



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 36]

नई दिल्ली, शनिवार, सितम्बर 5, 1992/भाद्र 14, 1914

No. 36]

NEW DELHI, SATURDAY, SEPTEMBER 5, 1992/BHADRA 14, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन में रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सूचिबद्ध आदेश और अधिवृत्त
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
Ministry of Defence)

विविध और न्याय मंत्रालय

[विविध कार्य विभाग]

न्यायिक शाखा

सूचना

नई दिल्ली, 24 जुलाई, 1992

का.आ. 2306.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मदन लाल चावला एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जलंधर (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए ?

[सं. 5 (184)/92—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 24th July, 1992

S.O. 2306.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Madan Lal Chawla, Advocate for appointment as a Notary to practise in Jalandhar (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(184)/92-Judl.]

P. C. KANAN, Competent Authority

सूचना

नई दिल्ली, 24 जुलाई, 1992

का.आ. 2307.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी

जाती है कि श्री नरसिम्हन आर्यंगर एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मैसूर सिटी (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (185)/92-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 24th July, 1992

S.O. 2307.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Narsimhan Iyengar, Advocate for appointment as a Notary to practise in Mysore City (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(185)/92-Judl.]

P. C. KANAN, Competent Authority

सूचना

नई दिल्ली, 29 जुलाई, 1992

का.आ. 2308 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री हरीश चन्द्र चतुर्वेदी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कोटपूतली, जिला जयपुर (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (188)/92-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 29th July, 1992

S.O. 2308.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Harish Chandra Chaturvedi, Advocate for appointment as a Notary to practise in Kotputli, District Jaipur (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(188)/92-Judl.]

P. C. KANAN, Competent Authority

सूचना

नई दिल्ली, 29 जुलाई, 1992

का.आ. : 2309.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वी.के. चौपड़ा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पंचशील एन्क्लेव, नई दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (187/92-न्यायिक)]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 29th July, 1992

S.O. 2309.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri V. K. Chopra, Advocate for appointment as a Notary to practise in Panchsheel Enclave, New Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(187)/92-Judl.]

P. C. KANAN, Competent Authority

सूचना

नई दिल्ली, 30 जुलाई, 1992

का.आ. 2310.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि सुश्री रेहना ए. केसूरी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सम्पूर्ण भारत में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (185)/92-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 30th July, 1992

S.O. 2310.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Ms. Rehana A. Kesuri, Advocate for appointment as a Notary to practise in Whole of India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(185)/92-Judl.]

P. C. KANAN, Competent Authority

सूचना

नई दिल्ली, 31 जुलाई, 1992

का.आ. 2311.—नोटरीज नियम, 1986 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मिहिर बनर्जी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जिला जलपाईगुड़ी एवं बाजिलिंग (प. बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (191)/92-न्यायिक]

पी.सी. कणन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 31st July, 1992

S.O. 2311.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Mihir Banerjee, Advocate for appointment as a Notary to practise in District Jalpaiguri and Darjeeling (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(191)/92-Judl.]

P. C. KANAN, Competent Authority

सूचना

नई दिल्ली, 31 जुलाई, 1992

का.आ. 2312.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्रीमति सुष्मा भारद्वाज एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दिल्ली संघ क्षेत्र में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (190)/92-न्यायिक]

पी.सी. कणन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 31st July, 1992

S.O. 2312.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Smt. Sushma Bhardwaj, Advocate for appointment as a Notary to practise in U.T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(190)/92-Judl.]

P. C. KANAN, Competent Authority

सूचना

नई दिल्ली, 10 अगस्त, 1992

का.आ. 2313.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कैलाश चन्द गुप्ता एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सब डिवीजन, गंगापूर सिटी, जिला सवाई माधोपुर (राजस्थान) नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (192)/92-न्यायिक]

पी.सी. कणन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 10th August, 1992

S.O. 2313.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Kailash Chand Gupta, Advocate for appointment as a Notary to practise in Sub-Division, Gangapuri, District Swai Madhopur (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(192)/92-Judl.]

P. C. KANAN, Competent Authority

गृह मंत्रालय

नई दिल्ली, 17 अगस्त, 1992

का.आ. 2314.—राष्ट्रपति, केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, गृह मंत्रालय की अधिसूचना सं. का.आ. 2000 तारीख

2 सितम्बर, 1989 में निम्नलिखित संशोधन करने का निदेश देते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में भाग 1 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“भाग-1

साधारण केंद्रीय सेवा समूह “ख”

पद का वर्णन निपुणता शास्त्रियां अधिरोपित करने के प्राधिकारी लिए सक्षम प्राधिकारी और वे शास्त्रियां जिन्हें वह (नियम 11 की मद सं. के प्रतिनिदेश) से अधिरोपित कर सकेगा

		प्राधिकारी	शास्त्रियां
1	2	3	4
गृह मंत्रालय			
आसूचना ब्यूरो			
1. अनुभाग	राष्ट्रपति	राष्ट्रपति	समस्त
अधिकारी श्रेणी		निदेशक आसूचना	(1) से
आसूचना ब्यूरो		ब्यूरो	(4) तक
2. समस्त समूह “ख” पद			
(आसूचना ब्यूरो में अनुभाग			
अधिकारी की श्रेणी से भिन्न।			

1	2	3	4
(1) समनुषंगी ब्यूरो के कार्यालयों में और सहायक निदेशक/संयुक्त सहायक निदेशक/केंद्रीय आसूचना ब्यूरो के कार्यालयों में	निदेशक आसूचना ब्यूरो अपर निदेशक/संयुक्त निदेशक का भारसाधक समनुषंगी आसूचना ब्यूरो।	निदेशक आसूचना ब्यूरो/आसूचना ब्यूरो के मुख्यालयों में संयुक्त/अपर निदेशक (स्थापना)	समस्त (1) से (4) तक
(2) आसूचना ब्यूरो के मुख्यालय पर और उपरोक्त (1) में उल्लिखित के सिवाए आसूचना ब्यूरो के अधीन सभी कार्यालयों में।	निदेशक आसूचना ब्यूरो	निदेशक आसूचना ब्यूरो/आसूचना ब्यूरो के मुख्यालयों में संयुक्त/अपर निदेशक (स्थापना)	समस्त (1) से (4) तक

[संख्या 14/एस.ओ. (सी)/90 (1) आईबी/कार्मिक-1]

आर. शंकरानारायणन, अपर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th August, 1992

S.O. 2314.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following amendments shall be made in the notification of the Government of India in the Ministry of Home Affairs No. S.O. 2000 dated the 2nd September, 1989, namely:—

In the Schedule to the said notification, for Part-I, the following Part shall be substituted, namely:—

“PART - I

GENERAL CENTRAL SERVICE GROUP ‘B’

Description of the post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	
1	2	Authority	Penalties
Ministry of Home Affairs			
INTELLIGENCE BUREAU			
1. Section Officer Grade, Intelligence Bureau.	President	President Director, Intelligence Bureau.	All (i) to (iv)
2. All Group B' posts (other than Section Officer grade in the Intelligence Bureau).			
(i) in the offices of the Subsidiary Intelligence Bureau and in the offices of the Assistant Director/Joint Assistant Director/Central Intelligence Officers.	Director, Intelligence Bureau.	Director, Intelligence Bureau. Additional Director/ Joint Director in charge of the zone /SIB	All (i) to (iv)

1	2	3	4
(ii) at the Headquarters of the Intelligence Bureau and in all offices under the Intelligence Bureau except those mentioned at (i) above.	Director Intelligence Bureau.	Director, Intelligence Bureau. Joint/Additional Director (Establishment) at the headquarters of the Intelligence Bureau.	All (i) to (iv)"

[No. 14/SO(C) 90(1)/IB/Pers.I]

R. SANKARANARAYANAN, Under Secy.

(सामरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 29 जुलाई- 1992

का.आ. 2315.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (अधिनियम संख्या 1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा दिल्ली प्रशासन के भूमि एवं भवन विभाग में संयुक्त सचिव श्री एच.डी. बिरदी को संयुक्त सचिव के रूप में अपने स्वयं के दायित्वों, के अतिरिक्त संघ शासित क्षेत्र, दिल्ली में स्थित निष्क्रान्त शहरी एवं ग्रामीण सम्पत्तियों तथा भूमियों के प्रबन्ध और निपटान के सम्बन्ध में, उक्त अधिनियम के द्वारा अथवा उसके अधीन, उप मुख्य बन्दोबस्त आयुक्त के रूप में उन्हें सौंपे गए कार्यों के निष्पादन के उद्देश्य से उपमुख्य बन्दोबस्त आयुक्त नियुक्त करती है।

2. इसके द्वारा दिनांक 23-8-1991 की अधिसूचना संख्या 1 (3)/विशेष कक्ष/89-एस.एस. II/एस. (क) का अधिक्रमण किया जाता है।

[संख्या 1 (3)/विशेष सैल/89-एस.एस. -II/एस. (क)]

पी.टी. चकोचन, अवर सचिव

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 29th July, 1992

S.O. 2315.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), the Central Government hereby appoints Shri H. D. Birdi, Joint Secretary in the Land and Building Department of Delhi Administration, as Deputy Chief Settlement Commissioner for the purposes of performing, in addition to his own duties as Joint Secretary, the functions assigned to him as a Deputy Chief Settlement Commissioner by or under the aforesaid Act, in respect of the management and disposal of evacuee urban and rural properties and lands situated in the Union Territory of Delhi.

2. This supersedes Notification No. 1(3)/Spl. Cell/89-SS. II/S(A) dated 23-8-1991.

[No. 1(3)/Spl Cell/89-SS-II/S(A)]

P. T. CHACKOCHAN, Under Secy.

नई दिल्ली, 29 जुलाई, 1992

का. आ. 2316.—निष्क्रान्त सम्पत्ति प्रबन्ध अधिनियम, 1950 (अधिनियम सं. 1950 का 31) की धारा 5

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा दिल्ली प्रशासन के भूमि एवं भवन विभाग में संयुक्त सचिव श्री एच. डी. बिरदी को संयुक्त सचिव के रूप में उनके दायित्वों के अतिरिक्त संघ राज्य क्षेत्र दिल्ली में स्थित निष्क्रान्त शहरी तथा ग्रामीण सम्पत्तियों तथा भूमि के प्रबन्ध एवं निपटान के सम्बन्ध में उक्त अधिनियम के द्वारा अथवा उसके अधीन सहायक महाभिरक्षक के रूप में उन्हें सौंपे गए कार्यों के निष्पादन के उद्देश्य से उन्हें सहायक महाभिरक्षक नियुक्त करती है।

2. इसके द्वारा दिनांक 23-8-91 की अधिसूचना सं.

1 (3)/विशेष सैल/89-एस. एस. II (ग) का अधिक्रमण किया जाता है।

[संख्या 1/3/विशेष सैल /89-एस. एस II (ग)]

पी. टी. चकोचन, अवर सचिव

New Delhi, the 29th July, 1992

S.O. 2316.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), the Central Government hereby appoints Shri H. D. Birdi, Joint Secretary in the Land and Building Department of Delhi Administration, as Assistant Custodian General for the purpose of performing, in addition to his own duties as Joint Secretary, the functions assigned to him as Assistant Custodian General by or under the aforesaid Act, in respect of management and disposal of evacuee urban and rural properties and land situated in the Union Territory of Delhi.

2. This supersedes Notification No. 1(3)/Spl. Cell/89-SS. II/S(C) dated 23-8-1991.

[No. 1(3)/Spl. Cell/89-SS-II/S(C)]

P. T. CHACKOCHAN, Under Secy.

नई दिल्ली, 29 जुलाई, 1992

का. आ. 2317.—निष्क्रान्त सम्पत्ति प्रबन्ध अधिनियम, 1950 (अधिनियम सं. 1950 का 31) की धारा 55 की उपधारा 3 द्वारा मुझे महाभिरक्षक के रूप में प्रदत्त शक्तियों का प्रयोग करते हुए मैं, बी. विश्वनाथन, महाभिरक्षक एतद्वारा इस विभाग की दिनांक 29-7-92 की अधिसूचना संख्या-1(3)/विशेष सैल/89-एस. एस.

II/एस. (घ) के तहत सहायक महाभिरक्षक के रूप में नियुक्त दिल्ली प्रशासन के भूमि एवं भवन विभाग में संयुक्त सचिव श्री एच. डी. बिरदी को महाभिरक्षक की निम्नलिखित शक्तियाँ सौंपता है:—

- (1) उक्त अधिनियम की धारा 24 के अन्तर्गत अपील सुनने की शक्तियाँ ।
- (2) उक्त अधिनियम की धारा 27 के अन्तर्गत संशोधन की शक्तियाँ ।
- (3) उक्त अधिनियम की धारा 10(2)(0) के अंतर्गत किसी निष्क्रान्त संपत्ति के हस्तान्तरण के अनुमोदन की शक्तियाँ ।
- (4) निष्क्रान्त संपत्ति प्रबन्ध अधिनियम (केन्द्रीय) नियम, 1950 के नियम 30-क के अंतर्गत मामलों के हस्तान्तरण की शक्तियाँ ।
- (2) इस अधिसूचना द्वारा दिनांक 23-8-1991 की अधिसूचना सं. 1(3)/विशेष सेल/89-एस. एस. II (घ) का अधिक्रमण किया जाता है ।

[संख्या-1(3)/विशेष सेल/89-एस. एस.-II/एस. (घ)]

वी. विश्वनाथन, महाभिरक्षक

New Delhi, the 29th July, 1992

S.O. 2317.—In exercise of the powers conferred on me as Custodian General by Sub-section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), I, V. Vishwanathan, Custodian General, hereby delegate to Shri H. D. Birdi, Joint Secretary in the Land and Building Department of Delhi Administration appointed as Assistant Custodian General vide this Department's Notification No. 1(3) Spl. Cell/89-SS.II(D), dated 29th July, 1992, the following powers of the Custodian General :—

- (i) Powers under Section 24 of the said Act to hear appeals;
- (ii) Powers of revision under Section 27 of the said Act;
- (iii) Power of approval of transfer of any evacuee property under Section 10(2)(0) of the Act;
- (iv) Power of transfer of cases under Rule 30-A of Administration of Evacuee Property Act, (Central) Rules, 1950.

2. This supersedes Notification No. 1(3)/Spl. Cell/89-SS. II/S(D) dated 23-8-1991.

[No. 1(3)/Spl. Cell/89-SS.II/S(D)]

V. VISWANATHAN, Custodian General

नई दिल्ली, 29 जुलाई, 1992

का. आ. 2318.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (अधिनियम सं. 1954 का

44) की धारा 34 की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं वी. विश्वनाथन, मुख्य बन्दोबस्त आयुक्त एतद्वारा इस विभाग की दिनांक 29-7-92 की अधिसूचना सं. 1 (3)/विशेष सेल/89-एस. एस. II एस (क) के तहत उप मुख्य बन्दोबस्त आयुक्त के रूप में नियुक्त दिल्ली प्रशासन के भूमि एवं भवन विभाग में संयुक्त सचिव श्री एच. डी. बिरदी को मुख्य बन्दोबस्त आयुक्त की निम्नलिखित शक्तियाँ सौंपता हूँ:—

- (i) उक्त अधिनियम की धारा 23 के अंतर्गत अपील सुनने की शक्तियाँ ।
- (ii) उक्त अधिनियम की धारा 24 के अंतर्गत संशोधन सुनने की शक्तियाँ ।
- (iii) उक्त अधिनियम की धारा 28 के अंतर्गत मामलों को हस्तान्तरण करने की शक्तियाँ ।
- (2) यह अधिसूचना सं. 1(3)/विशेष सेल/89-एस एस-II/एस(ख) ता. 23-8-97 के अधिक्रमण में जारी की गई है ।

[संख्या 1(3)/विशेष सेल/89-एस एस.-II/एस(ख)]

वी० विश्वनाथन, मुख्य बन्दोबस्त आयुक्त

New Delhi, the 29th July, 1992

S.O. 2318.—In exercise of powers conferred by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), I, V. Viswanathan, Chief Settlement Commissioner, hereby delegate to Shri H. D. Birdi, Joint Secretary in the Land and Building Department of Delhi Administration, appointed as Deputy Chief Settlement Commissioner, vide this Department's Notification No. 1(3)/Spl. Cell/89-SS. II(A), dated the 29th July, 1992, the following powers of the Chief Settlement Commissioner:—

- (i) Powers to hear appeals under Section 23 of the said Act;
- (ii) Powers to hear revisions under Section 24 of the said Act.
- (iii) Powers to transfer cases under Section 28 of the said Act.
2. This supersedes Notification No. 1(3)/Spl. Cell/89-SS. II/S(B), dated 23-8-1991.

[No. 1(3)/Spl. Cell/89-SS. II/(B)]

V. VISWANATHAN, Chief Settlement Commissioner

(आसूचना ब्यूरो)

नई दिल्ली, 13 अगस्त, 1992

का. आ. 2319.—सहायक आसूचना ब्यूरो, मुंबई के 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है । अतः केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के अनुसरण में इस कार्यालय को, एतद्वारा अधिसूचित करती है ।

[सं. 3/3/92-हिन्दी/993]

टी. गुहटे, उप निदेशक

(Intelligence Bureau)

New Delhi, the 13th August, 1992

S.O. 2319.—More than 80 per cent officers/employees working in the Subsidiary Intelligence Bureau, Bombay have since acquired working knowledge in Hindi. As such, in pursuance of Sub-rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the above-mentioned office of the Bureau.

[No. 3/3/92-Hindi-993]

T. GWITE, Dy. Director

कामिक, लोक शिकायत तथा पेंशन मंत्रालय
(कामिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 10 अगस्त, 1992

का. आ. 2320.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करन हुए बिहार राज्य सरकार की सहमति से (देखिए गृह विभाग ज्ञापन सं. 3 सी/4-10510/90 एच (पी)/5557 पटना तारीख 19/22 जून, 1992) दिल्ली विशेष पुलिस स्थापन के सदस्यों की कतिपयों और अधिकारिता का श्री एस. एन. सहायक, उप महा प्रबन्धक टैल्को/जमशेदपुर की हत्या की बाबत बिहार राज्य के पूर्व सिंहभूम जिला के टैल्को/जमशेदपुर पुलिस थाने में 1-11-90 को रजिस्ट्रीकृत प्र. सू. रि. 1990 की सं. 243 की बाबत, भारतीय दंड संहिता, 1960 (1960 का अधिनियम सं. 45) की धारा 302/307/120-ब और आयुध अधिनियम, 1959 (1959 का 54) की धारा 27 के अधीन दंडनीय अपराधों और उक्त अपराधों के सम्बन्ध में या उनसे सशक्त प्रयत्नों, दुष्प्रेरणों और षड्यन्त्रों के या उन्हीं तथ्यों से उत्पन्न होने वाले वैसे संव्यवहार के अनुक्रम में लिए गए किन्हीं अन्य अपराधों के संबंध में अन्वेषण करने के लिए, संपूर्ण बिहार राज्य पर विस्तार करती है।

[संख्या 228/57/91-ए. बी. डी- II]

ए. सी. शर्मा, अवर सचिव

MINISTRY OF PERSONNEL, P.G. AND PENSIONS
(Department of Personnel and Training)

ORDER

New Delhi, the 10th August, 1992

S.O. 2320.—In exercise of the powers conferred by Sub-section (i) of the Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of Government of Bihar Home Department vide Memo No. 3/C 4-10510/90 H(P) 5557 dated 22nd June, 1992 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole state of Bihar for investigation

of the offences punishable under section 302/307/120-B of the Indian Penal Code (Act No. 45 of 1860) and 27 of Arms Act (Act 54 of 1959) and attempts, abetment and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of same transaction arising out of the same facts in regard to case Crime No. 243 of 1990 registered on 1-11-90 at Police Station TELCO, Jamshedpur, District East Singhbhum, Bihar pertaining to the murder of Sri S. N. Sahai, Deputy General Manager, TELCO/Jamshedpur.

[No. 228/57/91-AVD. II]

A. C. SHARMA, Under Secy.

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 5 अगस्त, 1992

का. आ. 2321.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबन्ध, युनाइटेड बैंक आफ इण्डिया, कलकत्ता पर 1 जुलाई, 1994 तक उस सीमा तक लागू नहीं होंगे, जहां तक उनका सम्बन्ध गिरवीदार के रूप में मैसर्स हावड़ा फ्लोर मिल्स लिमिटेड, कलकत्ता की 30% प्रतिशत से अधिक की प्रदत्त शेयर पूंजी की उसकी धारिता से है।

[सं. 15/5/91-बी. ओ.-III]

के. के. मंगल, अवर सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

New Delhi, the 5th August, 1992

S.O. 2321.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to United Bank of India, Calcutta upto 1st July, 1994 in so far as they relate to its holding of the shares in excess of 30 per cent of the paid up share capital of M/s. Howrah Flour Mills Limited, Calcutta as pledged.

[No. 15/5/92-B.O.III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 7 अगस्त, 1992

का. आ. 2322.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि, बैंककारी विनियमन (सहकारी समितियां) नियम, 1966

के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के प्रावधान (1) नेम्मारा को-ऑपरेटिव ग्रुप बैंक लि., पालघाट, जिला केरल और (2) मराठा मार्केट पीपुल्स को-ऑपरेटिव बैंक लि., बम्बई पर, जहाँ तक उनका संबंध समाचार पत्रों में 30 जून, 1991 को समाप्त वर्ष के लिए तुलन-पत्र और लाभ-हानि लेखों के साथ-साथ लेखा परीक्षक की रिपोर्ट प्रकाशित करने से है, लागू नहीं होंगे।

[एफ. सं. 10(2)/91-विकास]

तेजिन्दर सिंह लसचर, संयुक्त निदेशक

New Delhi, the 7th August, 1992

S.O. 2322.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the (1) Nommara Co-operative Urban Bank Ltd., Palghat District, Kerala and (2) Maratha Market Peoples' Co-operative Bank Ltd., Bombay, so far as they relate to their publication of the Balance Sheets and Profit and Loss accounts for the year ended June 30, 1991 together with the auditor's report in the news papers.

[F. No. 10(2)/91-Dev.]

TEJINDER SINGH LASCHAR, Jr. Director

नई दिल्ली, 12 अगस्त, 1992

का.आ. 2323.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना 1980 के खण्ड 3 के उपखण्ड (घ) के अनुसरण में केन्द्रीय सरकार, श्री बी.जी. अथावल, प्रधान लेखाकार, सरकारी तथा बैंक लेखा विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई को, श्री ए.एम. मेरकर के स्थान पर एतद्वारा पंजाब एण्ड सिंध बैंक के निदेशक के रूप में नियुक्त करती है।

[सं. एफ. 9/13/92-बी.ओ. 1]

एम.एस. सीतारामन, अव्वर सचिव

New Delhi, the 12th August, 1992

S.O. 2323.—In pursuance of sub-clause (c) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri V. G. Athavle, Chief Accountant, Department of Government and Bank Accounts, Reserve Bank of India, Central Office, Bombay, as a Director of Punjab and Sind Bank vice Shri A. M. Nerkar.

[No. 9/13/92-B.O.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 12 अगस्त, 1992

का.आ. 2324.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (1) और उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (गख) के अनुसरण में, केन्द्रीय सरकार एतद्वारा इस समय स्टेट बैंक आफ इन्दौर, अंचल कार्यालय, इन्दौर में तैनात योजना अधिकारी (एस.एम.जी.एस.-III), श्री एस.क. बिन्दल को स्टेट बैंक आफ इन्दौर के

उन कर्मचारियों में से, जो कर्मकार नहीं हैं, दिनांक 12 अगस्त, 1992 से तीन वर्षों की अवधि के लिए, या जब तक वे स्टेट बैंक आफ इन्दौर का अधिकारी पद छोड़ नहीं देते, इनमें से जो भी पहले हो, स्टेट बैंक आफ इन्दौर के निदेशक मण्डल में निदेशक के रूप में नियुक्त करती है।

[संख्या 9/30/91-बी.ओ.-I]

एम.एस. सीतारामन, अव्वर सचिव

New Delhi, the 12th August, 1992

S.O. 2324.—In pursuance of clause (cb) of sub-section (1) of section 25 read with sub-section (1) and sub-section (2-A) of section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government hereby appoints Shri S. K. Bindal, Planning Officer (MMGS-III), presently posted in the Zonal Office, State Bank of Indore, Indore, as a director on the Board of the State Bank of Indore, from among the employees of the State Bank of Indore, who are not workmen, for a period of three years with effect from the 12th August, 1992 or until he ceases to be an Officer of the State Bank of Indore whichever is earlier.

[No. 9/30/91-B. O. II]

M. S. SEETHARAMAN, Under Secy.

प्रादेश

नई दिल्ली, 14 अगस्त, 1992

का.आ. 2325.—सरकार ने निर्णय लिया है कि बैंकिंग प्रभाग, आर्थिक कार्य विभाग, वित्त मंत्रालय वर्तमान अपर सचिव, श्री आर.व्ही. गुप्ता, आई ए एस (मध्य प्रदेश 1962) 14 अगस्त, 1992 से अगला प्रादेश जारी होने तक अपने वर्तमान कार्यभार के अतिरिक्त, समवर्ती रूप से राष्ट्रीय आवास बैंक के अध्यक्ष एवं प्रबंध निदेशक के पद का कार्यभार भी सम्भालेंगे।

[सं. 7/11/92-बी.ओ.-I]

एम.एस. सीतारामन, अव्वर सचिव

ORDER

New Delhi, the 14th August, 1992

S.O. 2325.—Government have decided that Shri R. V. Gupta, IAS (MP : 1962) presently Additional Secretary, Banking Division, Department of Economic Affairs, Ministry of Finance, will concurrently hold additional charge of the post of Chairman and Managing Director, National Housing Bank, in addition to his own duties, with effect from the 14th August, 1992 and until further orders.

[No. 7/11/92-B. O. II]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 14 अगस्त, 1992

का.आ. 2326.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 की उपधारा (1) के खंड (ड) की शर्तों के अनुसार केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के अपर सचिव श्री आर. व्ही. गुप्ता, आई ए एस (मध्य प्रदेश: 1962) को श्री के. जयभारत रेड्डी के स्थान पर भारतीय स्टेट बैंक के केन्द्रीय मण्डल (बोर्ड) में निदेशक नामित करती है।

[संख्या एफ.-9/41/91-बी.ओ.-I(i)]

एम.एस. सीतारामन, अव्वर सचिव

New Delhi, the 14th August, 1992

S.O. 2326.—In terms of clause (c) of sub-section (1) of section 19 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby nominates Shri R. V. Gupta, IAS (Madhya Pradesh : 1962) Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi, to be the Director of the Central Board of the State Bank of India vice Shri K. Jayabharath Reddy.

[No. 9/41/91-B. O. I (ii)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 14 अगस्त, 1992

का.आ. 2327.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के अपर सचिव, श्री आर. व्ही. गुप्ता, आई.ए.एस. (मध्य प्रदेश : 1962) को श्री के. जयभारत रेड्डी के स्थान पर भारतीय औद्योगिक विकास बैंक का निदेशक नामित करती है।

[सं. एफ-9/41/91-बी.ओ.-I(ii)]

एम. एस. सीतारामन, अपर सचिव

New Delhi, the 14th August, 1992

S.O. 2327.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri R. V. Gupta, IAS (Madhya Pradesh : 1962), Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as the Director of the Industrial Development Bank of India vice Shri K. Jayabharath Reddy.

[No. 9/41/91-B. O. I (ii)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 14 अगस्त, 1992

का.आ. 2328.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (ङ) के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री आर. व्ही. गुप्ता, आई.ए.एस. (मध्य प्रदेश : 1962), अपर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली को श्री के. जयभारत रेड्डी के स्थान पर भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में निदेशक के रूप में मनोनीत करती है।

[संख्या एफ. 9/41/91-बी.ओ. I(iii)]

एम. एस. सीतारामन, अपर सचिव

New Delhi, the 14th August, 1992

S.O. 2328.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri R. V. Gupta, IAS (Madhya Pradesh : 1962) Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division) New Delhi, as a Director of the Board of Directors of the Export-Import Bank of India vice Shri K. Jayabharath Reddy.

[No. 9/41/91-B. O. I (iii)]

M. S. SEETHARAMAN, Under Secy.

2102 GI/92-2.

मुख्य आयकर आयुक्त-III का कार्यालय

कलकत्ता, 13 जुलाई, 1992

का.आ. 2329.—आयकर अधिनियम, 1961 की धारा 120 की उपधारायें (1) और (2) के अंतर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए, मैं मुख्य आयकर आयुक्त-III, कलकत्ता, एतद्वारा निदेश देता हूँ कि इसके साथ संलग्न अनुसूची के स्तम्भ (3) में उल्लिखित कर वसूली अधिकारी जो उपर्युक्त अनुसूची के क्रमशः (1) एवं (2) स्तम्भ में उल्लिखित आयकर आयुक्त और आयकर उपायुक्त के प्रशासनिक नियंत्रण में हैं, अधिसूचना संख्या 5/89-90 दिनांक 18-5-1989 (शापन संख्या आ.अ/मुख्या/तक/366/39-90/4170-4669 दिनांक 25-5-1989 के माध्यम से परिवर्तित द्वारा उनको प्रदान की गयी अधिकारिता के अतिरिक्त, उन निर्धारितियों के संबंध में भी अधिकारिता का प्रयोग करेंगे जो उपर्युक्त अनुसूची के स्तम्भ (4) में उल्लिखित आयकर प्राधिकारी की अधिकारिता के अंतर्गत हैं या आयेंगे।

यह अधिसूचना 25-6-92 से प्रभावी होगी।

अनुसूची

आ.आ. का प्रभार	आ.उ. रेंज	क.व.अ. का प्रभार	निर्धारितियों के संबंध में क.व. अ. की अधिकारिता (अधिसूचना सं. 5/89-90 दि. 18-5-1989 द्वारा उनकी प्रदान की गयी अधिकारिता के अतिरिक्त) जो आयकर प्राधिकारियों के अंतर्गत हैं या आयेंगे।
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1	2	3	4
आ.आ.प.ब.-II कलकत्ता	आ.उ. रेंज-कलकत्ता	क.व.अ.-XLV कल. व 24 परगना	स.आ. सर्कल-19 (2), कल. (नये निर्धारित)

[संख्या : सभा/मुख्या./योजना/366/89-90]

भुवनेन्द्र तिगम, मुख्य आयकर आयुक्त-II

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX-III

Calcutta, the 13th July, 1992

No. 2/92-93

S.O. 2329.—In exercise of the powers conferred under sub-sections (1) & (2) of Section 120 of the I.T. Act, 1961, I, the Chief Commissioner of Income-tax—III, Calcutta, hereby direct that the Tax Recovery Officer mentioned in column (3) of the Schedule annexed hereto, who are under the administrative control of the Commissioner of Income-Tax and the Deputy Commissioner of Income Tax mentioned in column (1) and (2) respectively in the said schedule, shall in addition to the jurisdiction already vested on him vide Notification No. 5/89-90 dated 18-5-1989 (circulated through Memo No. ITO/Hqrs Tech/366/89-90/4170-4669 dated 25-5-1989), exercise jurisdiction also in respect of the assesseees who are or would come under the jurisdiction of the Income Tax Authority mentioned in column (4) of the said schedule.

This notification will take effect from 25-6-1992.

SCHEDULE

CIT's Charge	D.C. Range	TRO's Charge	Jurisdiction of the TRO over the assesseees (in addition to the jurisdiction already vested on him vide Notification No. 5/89-90 dt 18-5-1989) who are or would come under the jurisdiction of I.T. Authorities.
(1)	(2)	(3)	(4)
CIT, WB XI, Calcutta.	D.C. Range-19, Cal.	TRO-XLV, Cal. 24-Pgs.	A.C. Circle-19(2), Cal. (Now assesseees).

[No. AC/HQ/PLANNING/366/89-90]

BHUVANENDRA NIGAM, Chief Commissioner of Income Tax—III

वाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 20 जुलाई, 1992

क्र.आ. 2330.—भारत हेवी इलेक्ट्रिकल्स लिमिटेड को मुक्त विदेशी मुद्रा के अन्तर्गत पश्चिमी जर्मनी से संलग्न सूची के अनुसार हाइड्रालिक उपकरण तथा संघटकों आदि के आयात के लिए 10,46,00,000/- रुपये (दस करोड़ छिया-लिस लाख रुपये मात्र) (100 रुपये = 11.835 डी.) के लिए एक आयात लाइसेंस सं. पी/सीजी/20044698/सी/एक्स एक्स/10/एच/88 सी जी दिनांक 23-12-1988 मजूर किया गया था।

फर्म ने उक्त आयात लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुलिपि प्रति इस आधार पर जारी करने के लिए आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन

प्रति बम्बई पसन पर गुम हो गई है तथा इस समय उसका पता नहीं लग रहा है। यह बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति को बम्बई कस्टम हाउस से पंजीकृत किया गया था तथा उसे आंशिक रूप में प्रयोग में लाया गया था। अब 169.80 लाख रुपये की शेष राशि के लिए सीमाशुल्क प्रयोजन प्रति की जरूरत है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक भोगल के समक्ष विधिवत् शपथ लेकर स्टाम्प पेपर पर एक हलफनामा दाखिल किया है। तदनुसार मैं सतुष्ट हूँ कि आयात लाइसेंस सं. पी/सी जी/2044698 दिनांक 23-12-1988 की मूल सीमाशुल्क प्रयोजन प्रति फर्म से गुम हो गई है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 के उप खण्ड 9(ग ग) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं भारत हेवी इलेक्ट्रिकल्स लिमिटेड को जारी की गई उक्त मूल सीमाशुल्क प्रयोजन प्रति सं. पी/सी जी/2044698 दिनांक 23-12-1988 को एतद्वारा निरस्त किया जाता है।

3. पार्टी को उक्त लाइसेंस की दूसरी सीमाशुल्क प्रयोजन प्रति अलग से जारी की जा रही है।

[फा.सं. सीजी-1/सी डी ई/64/88-89]

श्रीमती अनिता पठेजा, उप मुख्य नियंत्रक, आयात-निर्यात
कृते मुख्य नियंत्रक, आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 20th July, 1992

S.O. 2330.—M/s. Bharat Heavy Electricals Limited were granted an Import Licence No. P/CG/2044698/C/XX/10/H/88/CG.I dated 23-12-1988 for Rs. 10,46,00,000 (Ten Crores & Forty Six Lakhs only) (Rs. 100=D. 11.835) for import of Hydraulic Equipment and Components, etc. as per list attached under Free Foreign Exchange from West Germany.

The firm has applied for issue of Duplicate Copy of Customs purpose Copy of the above mentioned import licence

on the grounds that the original Customs Purposes Copy of the licence has been misplaced at Bombay Port and is presently not traceable. It has been stated that the Customs Purposes copy of the licence was registered with Bombay Customs House and utilised partly. The Custom Purpose Copy is now required is to cover the balance of Rs. 169.80 lakhs.

2. In support of their contention the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Bhopal. I am accordingly satisfied that the original Customs Purposes Copy of import licence No. P/CG/2044698 dt. 23-12-1988 has been misplaced by the firm. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) order, 1955 dt. 7-12-1955 as amended, the said original Customs Purposes Copy No. P/CG/2044698 dt. 23-12-1988 issued to M/s. Bharat Heavy Elect., Limited is hereby cancelled.

3. A duplicate Customs Purposes Copy of the said licence is being issued to the party separately.

[F. No. CG.I/CDE/64/88-89]

SMT. ANITA PATHEJA, Dy. Chief Controller of Imports & Export.
for Chief Controller of Imports & Exports.

नागरिक प्रति, उपभोक्ता मामले एवं सार्वजनिक वितरण मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 11 अगस्त, 1992

का.आ. 2331.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों, का/के विवरण नीचे अनुसूची में दिया गया है/दिए गए हैं, वह/वे स्थापित हो गया है/हो गए हैं।

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नए भारतीय मानकों द्वारा अतिरिक्त भारतीय मानक अथवा मानकों, यदि कोई हों, की सं. और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस : 73—1992 खंड जे के लिए विट्रुमेन—विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 73—1961	1992-02-29
2.	आई एस : 302-2-3 (1992) घरेलू और ऐसे ही बिजली के उपकरणों की सुरक्षा भाग 2 विशिष्ट अपेक्षाएं खंड 3-बिजली की हस्तरी	---	1992-03-31
3.	आई एस : 367—(पार्ट 8)—1992 चूड़ी कटें हस्तात के बंधक हेतु तकनीकी प्राप्ति अवस्थाएं भाग 8 प्रिवेलिग एंटेन टाइप हस्तात के षटकोणीय डिबरी की यांत्रिक और कार्यकारिता गुणधर्म (दूसरा पुनरीक्षण)	आई एस : 1367—1967	1992-01-31

(1)	(2)	(3)	(4)
4.	आई एस : 2248—1992 भवनों के लिए मिट्टी उत्पादों से संबद्ध पारिभाषिक शब्दावली (दूसरा पुनरीक्षण)	आई एस : 2248—1981	1992-01-31
5.	आई एस : 2806—1992 तापमिति विद्युत प्रतिरोध— मार्गदर्शिका (पहला पुनरीक्षण)	आई एस : 2806—1964	1992-01-31
6.	आई एस : 3251 (पार्ट 2)—1992 एस्फाल्ट पेवर फिनिशर सामान्य अपेक्षाएं भाग 2 उपचालित (पहला पुनरीक्षण)	आई एस : 3251—1965	1992-01-31
7.	आई एस : 4000—1992 हृस्पात संरचना में उष्ण सामर्थ्य काबले-रीति संहिता (पहला पुनरीक्षण)	आई एस : 4000—1967	1992-01-31
8.	आई एस : 5050—1992 राहत कुओं के डिजाइन, निर्माण और रखरखाव की रीति संहिता (पहला पुनरीक्षण)	आई एस : 5050—1968	1992-02-29
9.	आई एस : 5391—1992 टंककों और टेलीफोन एक्सचेंज में आपरेटरों के प्रयोग एडजेस्टेबल कुसियां—विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 5391—1981	1992-02-29
10.	आई एस : 6165—1992 मिट्टी की ईंटों के विशेष आकार के आयात (पहला पुनरीक्षण)	आई एस : 6165—1971	1992-01-31
11.	आई एस : 6408 (पार्ट 2)—1992 भवन उद्योग में मॉड्यूलर कोआर्डिनेशन हेतु सिफारिशें भाग 2 सिद्धान्त और उपयोग (पहला पुनरीक्षण)	आई एस : 6408—1971	1992-01-31
12.	आई एस : 7422 (पार्ट 5)—1992 भू-गर्भीय मानचित्रों, सेक्शनों और उप-सतह एक्सप्लोरेटरी लघुगड्क में प्रयुक्त प्रतीक और संक्षिप्तियों भाग 5 फार्मेशन कन्टेक्ट और संरचना अभिलक्षणों के रेखा प्रतीक	—	1992-01-31
13.	आई एस : 7559—1992 सैलिसिलिक अम्ल तकनीकी ग्रेड—विशिष्ट (पहला पुनरीक्षण)	आई एस : 7559—1974	1992-02-29
14.	आई एस : 7595 (पार्ट 6)—1991 मछली पकड़ने हेतु पोत-ओटर बोर्ड भाग 6 चयन के मार्गनिर्देश	—	1992-12-31

(1)	(2)	(3)	(4)
15.	आई एस : 8292—1992 विभिन्न बर्तनगिरी के कार्यों के अन्तर्गत इमारती लकड़ी की कार्य गुणता (बकिंग क्वालिटी) का मूल्यांकन— परीक्षण विधि (पहला पुनरीक्षण)	आई एस : 8292—1976	1992-01-31
16.	आई एस : 10052 (पार्ट 6)—1992 विद्युत चुम्बकीय व्यतिकरण मापन उपकरण और मापन विधियों की विधियां भाग 6 मोट्रिक तरंगदैर्घ्य में एक-धो गुंथी बेगी वाली सहस्रक्षीय केबल की शील्डिंग दक्षता का मापन	—	1992-01-31
17.	आई एस : 10106(पार्ट 1/सैंक्टर 6)—1992 पैकेजिंग संहिता भाग 1 उत्पाद पैकेजिंग खंड 6 सूक्ष्मजीवों, कीटों, चींटियों और कृतन्तकों द्वारा पैकेजों और उनके अन्दर की सामग्री के नष्ट किए जाने के प्रति रक्षण	—	1992-01-31
18.	आई एस : 10738 (पार्ट 5/सैंक्. 3)—1992 बैकगाइड की फ्लैज—विशिष्ट भाग 5 मध्यम चपटी आयताकार बैकगाइड के लिए फ्लैज भाग 3 फ्लैज टाइप एन	—	1992-01-31
19.	आई एस : 11273—1992 “ई” ब्लॉच रंग के बुने रीबिंग कपड़े—विशिष्ट (पहला पुनरीक्षण)	आई एस : 11273—1985	1992-02-29
20.	आई एस : 12793—1989 मोटरवाहन-बुपहिण, गुरुत्व केन्द्र—विशिष्ट	—	1991-03-31
21.	आई एस : 13134—1992 प्रदूषित अवस्थाओं के संदर्भ रोधकों के चयन की मार्गदर्शिका	—	1992-02-29
22.	आई एस : 13188—1992 बुनी गलीचों में भरण सामग्री के रूप में प्रयुक्त पटसन के का धागा	—	1992-02-29
23.	आई एस : 13284—1992 मोटरवाहन कब्जेदार ड्रा-आर के ड्राइवर कर्पलिंग और आई एस : सामाख्य परीक्षण की विधियां	—	1992-02-29
24.	आई एस : 13306—1992 तेल एवं गैस दाहन से प्रचालित तापीय द्रव हीटर-फिल्म के ताप की गणना विधियां	—	1992-01-31
25.	आई एस : 13311 (पार्ट 1)—1992 अविनाशी-कंक्रीट परीक्षण—परीक्षण विधियां भाग 1 पराश्रव्य स्पंदन गति	—	1992-01-31
26.	आई एस : 13323—1992 खिसकने वाले जोड़ वाला जम्बूर—विशिष्ट	—	1992-02-29
27.	आई एस : 13325—1992 चौड़ी पट्टी का प्रयोग करते हुए एक्सट्रूडित पॉलीमर जिओराइज की तन्यता गुणधर्म का निर्धारण	—	1992-02-29

(1)	(2)	(3)	(4)
28.	आई एस : 13330—1992 कृषि कीटनाशक—विटरटनोल तकनीकी ग्रेड—विशिष्ट	—	1992-01-31
29.	आई एस : 13331—1992 कृषि कीटनाशक—विटरटनोल डब्लू पी—विशिष्ट	—	1992-01-31
30.	आई एस : 13332—1992 कृषि कीटनाशक—मैट्रियुजिन तकनीकी ग्रेड—विशिष्ट	—	1992-02-29
31.	आई एस : 13347—1992 क्लच रैसिल—विशिष्ट	—	1992-02-29
32.	आई एस : 13354—1992 सैयार शुदा—उत्तमा मिश्रण—विशिष्ट	—	1992-02-29

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चंडीगढ़ और मद्रास और शाखा कार्यालयों : अहमदाबाद, बंगलूर, भोपाल, भुवनेश्वर गोहाटी, हैदराबाद, जयपुर, पटना और त्रिवेन्द्रम में विक्री हेतु उपलब्ध हैं।

[सं. के प्र वि/13 : 2]

एन. श्रीनिवासन, अपर महानिदेशक

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 11th August, 1992

S.O...2331....In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, The Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS : 73—1992 Paving Bitumen—Specification (Second Revision)	IS : 73—1961	1992-02-29
2.	IS : 302-2.3 (1992) Safety of household and similar electrical appliances Part 2 Particular requirements Section 3 Electric Iron	—	1992-03-31

(1)	(2)	(3)	(4)
3.	IS : 1367—(Part 8)—1992 Technical supply conditions for threaded steel fasteners Part 8 Mechanical and performance properties for prevailing torque type steel hexagon nuts (Second Revision)	IS : 1367—1967	1992-01-31
4.	IS : 2248—1992 Glossary of terms relating to clay products for buildings (Second Revision)	IS : 2248—1981	1992-01-31
5.	IS : 2806—1992 Thermometry electrical resistance—Guide. (First Revision).	IS : 2806—1964	1992-01-31
6.	IS : 3251 (Part 2)—1992 Asphalt Paver finisher—General requirements Part 2 Hydraulic (First Revision).	IS : 3251—1965	1992-01-31
7.	IS : 4000—1992 High strength bolts in steel structures—Code of practice (First Revision).	IS : 4000—1967	1992-01-31
8.	IS : 5050—1992 Code of practice for design, construction and maintenance of relief wells (First Revision).	IS : 5050—1968	1992-02-29
9.	IS : 5391—1992 Adjustable metal chairs for use of typists and operators in telephone exchanges—Specification (Second Revision).	IS : 5391—1981	1992-02-29
10.	IS : 6165—1992 Dimensions for special shapes of clay bricks. (First Revision).	IS : 6165—1971	1992-01-31
11.	IS : 6408 (Part 2)—1992 Recommendations for modular co-ordination in building industry : Tolerances Part 2 Principles and applications. (First Revision).	IS : 6408—1971	1992-01-31
12.	IS : 7422 (Part 5)—1992 Symbols and abbreviations for use in geological maps, sections and sub-surface exploratory logs Part 5 Line symbols for formation contacts and structural features	—	1992-01-31
13.	IS : 7559—1992 Salicylic acid, technical specification (First Revision).	IS : 7559—1974	1992-02-29
14.	IS : 7595 (Part 6)—1991 Fishing vessels—Otter boards Part 6 Guidelines for selection	—	1991-12-31
15.	IS : 8292—1992 Evaluation of working quality of timber under different wood working operations—Method of test (First Revision).	IS : 8292—1976	1992-01-31
16.	IS : 10052 (Part 6)—1992 Specification for electromagnetic interference measuring apparatus and measurement methods Part 6 Measurement of the shielding efficiency of coaxial cables having one or two braids in the metric wavelength range.	—	1992-01-31

(1)	(2)	(3)	(4)
17.	IS : 10106 (Part 1 Sec 6)—1992 Packaging—code Part 1 Product packaging Section 6 Protection against spoilage of packages and their contents by Micro—Organisms, insects, mites and Rodents.	---	1992-01-31
18.	IS : 10738 (Part 5 Sec 3)—1992 Flanges for waveguides—Specification Part 5 Flanges for medium flat rectangular waveguides Section 3 Flange Type N	—	1992-01-31
19.	IS : 11273—1992 Woven roving fabrics of 'E' glass fibre—Specification (First Revision).	IS : 11273—1985	1992-02-29
20.	IS : 12793—1989 Automotive vehicles—two wheelers, centre of gravity—Method of determination	—	1991-03-31
21.	IS : 13134—1992 Guide for the selection of insulators in respect of polluted conditions.	—	1992-02-29
22.	IS : 13188—1992 Textiles—Jute yarn used as filler in woven carpets—Specification.	—	1992-02-29
23.	IS : 13284—1992 Automotive vehicles—drawbar couplings and eyes for hinged drawbars—Methods of test for strength	—	1992-02-29
24.	IS : 13306—1992 Oil and gas fired thermic fluid heaters—Method of calculation of film temperature	—	1992-01-31
25.	IS : 13311 (Part 1)—1992 Non-destructive—testing of concrete—Methods of test Part I Ultrasonic pulse velocity	—	1992-01-31
26.	IS : 13323—1992 Slip joint pliers—Specification	—	1992-02-29
27.	IS : 13325—1992 Determination of tensile properties of extruded polymer geogrids using the wide strip—Test Method.	—	1992-02-29
28.	IS : 13330—1992 Pesticide—Bitertanol, Technical—Specification.	—	1992-01-31
29.	IS : 13331—1992 Pesticides—Bitertanol WP—Specification	---	1992-01-31
30.	IS : 13332—1992 Pesticide—Metribuzin, Technical—Specification.	—	1992-02-29
31.	IS : 13347—1992 Clutch pensils—Specification	—	1992-02-29
32.	IS : 13354—1992 Ready UPMA Mix—Specification	—	1992-02-29

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati Hyderabad, Jaipur, Patna and Trivandrum.

[No. CMD/13 : 2]

N. SRINIVASAN, Addl. Dir. General

कृषि मंत्रालय

(पशु पालन एवम् डेयरी विभाग)

नई दिल्ली, 14 अगस्त, 1992

का. आ. 2332 :—नागालैण्ड राज्य की विधान सभा ने संविधान के अनुच्छेद 252 के उपवाक्य (1) के तहत भारतीय पशु चिकित्सा अधिनियम, 1984 (1984 का 52) को अंगीकार करने का एक संकल्प पारित किया है।

अतः अब भारतीय पशु चिकित्सा अधिनियम, 1984 (1984 का 52) के खण्ड-1 के उपखण्ड (3) के द्वारा प्रदत्त शक्तियों के प्रयोग में केन्द्र सरकार एतद्वारा सरकार के राजपत्र में इस अधिसूचना के प्रकाशन को वह तिथि नियत करती है जिस दिन उक्त अधिनियम नागालैण्ड राज्य में प्रवर्तित होगा।

[सं. 51-12/90 एल. डी.टी. (बी.सी.)]

भार. कन्डीर, अवर सचिव

MINISTRY OF AGRICULTURE

(Deptt. of Animal Husbandry & Dairying)

New Delhi, the 14th August, 1992

S.O. 2332.—Whereas the Legislature of the State of Nagaland has passed resolution under clause (1) of article 252 of the Constitution adopting the Indian Veterinary Council Act, 1984 (52 of 1984).

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 1 of the Indian Veterinary Council Act, 1984 (52 of 1984) the Central Government hereby appoints the date of publication of this notification in the Official Gazette as the date on which the said Act shall come into force in the State of Nagaland.

[No. 51-12/90-LDT(VC)]

R. KANDIR, Under Secy.

ग्रामीण विकास मंत्रालय

नई दिल्ली, 26 जून, 1992

का. आ. 2333 :—संघ लोक सेवा आयोग की सिफारिश पर, राष्ट्रपति जी श्री मैडियन डी. थंगराज को दिनांक 4 फरवरी, 1992 के पूर्वाज्ञ से अस्थायी आधार पर विपणन एवम् निरीक्षण निदेशालय में 2200-75-2800-२०००-100-4000 रुपए के वेतनमान में सहायक निदेशक (पैकेजिंग) के पद पर सहर्ष नियुक्त करते हैं।

[संख्या 6-16/88-एम.-1]

भार. के. सागर, अवर सचिव

MINISTRY OF RURAL DEVELOPMENT

New Delhi, the 26th June, 1992

S.O. 2333.—On the recommendation of the Union Public Service Commission, the President is pleased to appoint Sh. Madan D. Thangaraj as Assistant Director (Packaging) 2102 GI/92—3

In the Pay scale of Rs. 2200-75-2800-EB-100-4000 in the Directorate of Marketing and Inspection on a temporary basis w.e.f. the forenoon of the 4th February, 1992.

[No. 6-16/88-M.1]

R. K. SAGAR, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 21 जुलाई, 1992

का. आ. 2334 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनाधीन सरकारी क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को, जिनके कार्यकारी-धृत्य ने हिन्दी का कार्यसहायक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. टी. टी. सी. प्रभाग, बामर लॉरी एण्ड कं. लिमिटेड, 501-503, अरुणाचल बिल्डिंग, 19 बाराखम्बा रोड, नई दिल्ली।
2. आई. बी. पी. कंपनी लि., औद्योगिक विस्फोटक संयंत्र, गोलालपुर, पोस्ट: जमनी पाली—कोरबा 495-550, जिला: बिनासपुर (मध्य प्रदेश)
3. मुगलसराय टर्मिनल, अलीपुर, इंडियन आयल कारपोरेशन लि. (मार्केटिंग डिवीजन) मुगलसराय—232101।
4. भारत पेट्रोलियम कारपोरेशन लिमिटेड (विक्रय कार्यालय) हिन्दुस्तान बिल्डिंग (द्वितीय तल) बिस्दुपुर, पो. बा. नं.—71, जमशेदपुर—83101

[संख्या — 11011 / 16/92-हिन्दी]

के. सी. कटोच, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 21st July, 1992

S.O. 2334.—In pursuance of Sub Rple (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices or the Public Sector Undertakings of the Ministry of Petroleum & Natural Gas, the staff whereof have acquired working knowledge of Hindi:—

1. TTC Division, Balmer Lawrie & Co. Ltd., 501-503, Arunachal Building, 19 Barakhamba Road, New Delhi.
2. IBP Co. Ltd., Industrial Explosive Plant, Gopalpur, Post, Jamni Pali-Korba-495-550, Distt : Bilaspur (M.P.).
3. Mughal Sarai Terminal, Alipur, IOC Ltd. (Marketing Division), Mughal Sarai-232101.
4. Bharat Petroleum Corpn. Ltd. (Sales Office), Hindustan Building (Second floor) Bistupur, P.B. No.-71, Jamshedpur-831001.

[No. 11011/16/92-Hindi]

K. C. KATOCH, Under Secy.

नई दिल्ली, 17 अगस्त, 1992

का. आ. 2335 :—केन्द्र सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसके बाद इसे उक्त उक्त अधिनियम कहा जाएगा) की धारा 6 की उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग-2, खंड-3, उपखंड (ii) पृष्ठ संख्या 11 से 15 एवं 28 से 35 में प्रकाशित भारत सरकार, पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 35 एवं 39 दिनांक 16 दिसम्बर, 1991 द्वारा केन्द्रीय सरकार ने घोषित किया कि उन अधिसूचनाओं से उपाबद्ध भूमियों में विनिर्दिष्ट भूमि में पेट्रोलियम के परिवहन के प्रयोजन के लिए पाइपलाइन बिछाने हेतु भूमि में उपयोग के अधिकार का अर्जन किया जाए।

और प्राये केन्द्र सरकार ने उक्त अधिनियम की धारा 6 का उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश दिया था कि उक्त भूमियों के उपयोग का अधिकार केन्द्राय सरकार में निहित होने के बजाय सभी विलगनों से रहित, इंडियन आयल कॉर्पोरेशन लिमिटेड में निहित होगा।

और केन्द्र सरकार का मानना है कि यह बात लाई गई कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में मुद्रण तथा अन्य प्रकृति का कुछ गलतियाँ हैं।

अतः अब केन्द्र सरकार उक्त अधिनियम की धारा 6 का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है।

का. आ. 35 पृष्ठ संख्या 12 पर कूरतिया गांव के खसरा संख्या कालम में खसरा संख्या "345" के स्थान पर "245" पढ़ें।

का. आ. 39 पृष्ठ संख्या 30 पर चित्तौड़ा गांव के खसरा संख्या कालम में खसरा संख्या "10012" के स्थान पर "12" पढ़ें।

पर भानपुरगेट गांव के क्षेत्रफल के एयर एवं वर्गमीटर कालम में खसरा संख्या 110 के सामने क्रमशः "09" के स्थान पर "11" पढ़ें तथा '31' के स्थान पर "52" पढ़ें।

पृष्ठ संख्या 31 पर बांसरी जोगियान गांव के खसरा संख्या कालम में खसरा संख्या "780" के स्थान पर "980" पढ़ें।

[संख्या आ. 31015/8/92-ओआर I]

कुलदीप सिंह, अवसर सचिव

Ntw Delhi, the 17th August, 1992

S.O. 2335.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 32 and 38 dated the 16th December, 1991, published

in the Gazette of India, Part-II, Section 3, Sub-section (ii) at page 11 to 15 and 28 to 35, issued under sub-section (1) or section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared that the right of user in the lands specified in the Schedule appended to those notifications for the purpose of laying pipelines for the transport of petroleum should be acquired;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing and other nature have occurred in the publication of the said notification in the official Gazette.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby amends the Schedule appended to the said notifications as follows :—

In S.O. 35, at page 15, in Village Manpura, in Column 2, for survey nos. "0677" read "677" and for "0678" read "678" in village Kheda Sengnoten, in Column 2, for survey no "198" read "98";

In S.O. 38, at page 32, in Village Khera Hanumanji, against survey no. 16 in Column 5, for "72" read "76", at page 33, in Village Jharla, in Column 2, for survey no. "674/774" read "675/774", in village Kantoli, in Column 2, after survey no. 35 and before 32, insert survey no. "34" and "33" at page 34, in Village Mohabbatpura, against survey no. 1059 in Column 5, for "09" read "19" in Village Basri Jogewan in Column 2, for survey no. "458" read "548". And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the lands shall instead of resting in the Central Government vest free from all encumbrances, in the Indian Oil Corporation Limited.

[No. R-31015/8/92-ORI]

KULDIP SINGH, Under Secy.

नई दिल्ली, 17 अगस्त, 1992

का.आ. 2336 :—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम और प्राकृतिक गैस विभाग) की अधिसूचना सं. का.आ. 1882, तारीख 27 जून, 1991 द्वारा जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) के पृष्ठ 2791 से 2794 पर प्रकाशित हुई थी, यह घोषणा की थी कि पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जन किया जाना चाहिए;

और केन्द्रीय सरकार के ध्यान में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में टंकण और मुद्रण प्रकृति की कतिपय गलतियाँ हुई हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते

हुए, उक्त अधिसूचना में संलग्न अनुसूची का निम्न प्रकार से संशोधन करने :

- पृष्ठ सं० 2791: "गांव का नाम" स्तम्भ के प्रीचे "भटेड" के स्थान पर "भातेड" पढ़ें। सर्वे सं० 250 के सामने "क्षेत्रफल" के "वर्गमीटर" स्तम्भ के प्रीचे "4" के स्थान पर "48" पढ़ें।
- पृष्ठ सं० 2792: "गांव का नाम" स्तम्भ में "खरी गोकुलपुरा" के स्थान पर "खेड़ी गोकुलपुरा" पढ़ें।
"लक्ष्मीपुरा" गांव के सर्वे सं० 37 के सामने क्षेत्रफल के "आरे" स्तम्भ के नीचे "18" के स्थान पर "17" पढ़ें।
- पृष्ठ सं० 2793: स्तम्भ 1 के नीचे गांव का नाम "जयपुर" के स्थान पर "जैपुरा पढ़ें"
"कल्याणपुरा उर्फ खातीपुरा" गांव के सामने स्तम्भ 2 के नीचे सर्वे सं० "25" के स्थान पर "52" पढ़ें।
- पृष्ठ सं० 2794: "कल्याणपुरा उर्फ खातीपुरा" गांव के सामने स्तम्भ 2 के नीचे सर्वे सं० "10/469" के स्थान पर "1/469" पढ़ें। स्तम्भ 1 में गांव का नाम "खोह नागोरिया" के स्थान पर "खोह नागोरियान" पढ़ें।
स्तम्भ 2 के नीचे सर्वे सं० "791" के स्थान पर "781" पढ़ें। स्तम्भ 1 के नीचे गांव का नाम "भावगढ़ बंध" के स्थान पर "भावगढ़ बंधा" पढ़ें।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमें से मुक्त होकर, इंडियन ऑयल कारपोरेशन लिमिटेड में निहित होगा।

[सं० आर० 31015/2/91-ओ आर I पार्ट ए]

कुलदीप सिंह, अवर सचिव

New Delhi, the 17th August, 1992

S.O. 2336.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum and Natural Gas) No. S.O. 1882, dated the 27th June, 1991, published in the Gazette of India, Part II, Section 3, Sub-section (ii) at pages 2794 to 2797, issued under sub-section (1) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the

said Act), the Central Government declared that the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for transport of petroleum, should be acquired;

And, whereas, it has been brought to the notice of the Central Government that certain errors of typing and printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :—

at page 2795.—In village Sitapur, in column 5, against survey no. 309, for "99" read "96";

at page 2796.—in village Dehalawas, in column 5, against survey no. 467, for "62" read "26", in column 1, for the village "Jaipur" read "Jaipura";

at page 2797.—in village Kalyanpura urf Khatipura, in column 2, for "survey no. 19/472" read "10/172" in village Loniawas, against survey no. 237, in column 5, for "61" read "64" in column 2, for survey no. 25/567 read "252/267".

And further in exercise of the powers conferred by sub-section (4) of section 6 of the Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government vest free from all encumbrances in the Indian Oil Corporation Limited

[No. R-31015/2/91-ORI Pt. A]

KULDIP SINGH, Under Secy.

परमाणु ऊर्जा विभाग

नई दिल्ली, 12 अगस्त, 1992

का०आ० 2337:—केन्द्रीय सरकार परमाणु ऊर्जा विभाग के एक यूनिट प्रगत प्रौद्योगिकी केन्द्र, इंदौर को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में अधिसूचित करती है।

[संख्या 6/5/82-हिन्दी]

अनिल राजदान, निदेशक

DEPARTMENT OF ATOMIC ENERGY

New Delhi, the 12th August, 1992

S.O. 2337.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the Centre for Advance Technology, Indore which is a Unit of the Department of Atomic Energy, more than 80% staff whereof has acquired a working knowledge of Hindi.

[No. 6/5/82-Hindi]

ANIL RAZDAN, Director

शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 14 अगस्त, 1992

का०आ० 2338:—यतः निर्माणावधि क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केन्द्रीय सरकार अधोनिर्णित क्षेत्रों के

बारे में दिल्ली वृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा जिसे दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा के 44 के प्रावधानों के अनुसार दिनांक 18-11-90 के सार्वजनिक नोटिस संख्या एफ 3(106)/81-एम०पी० द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा 11-क की उपधारा (3) में अपेक्षित आपत्तियों/सुझाव, उक्त नोटिस की तारीख के 30 दिन की अवधि में आमंत्रित किए गए थे।

और यतः प्रस्तावित संशोधनों के बारे में कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए हैं।

अतः केन्द्रीय सरकार ने दिल्ली वृहद योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय किया है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त वृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है।

संशोधन :—

“जोन एफ-2 (कैलाश क्षेत्र) में विदेश संचार निगम काम्प्लेक्स, कालका जी स्थित 1.17 हेक्टेयर और 3.54 हेक्टेयर के दो क्षेत्रों को मिलाकर कुल 4.71 हेक्टेयर क्षेत्र का भूमि उपयोग “सार्वजनिक एवं अर्धसार्वजनिक सुविधाओं (ट्रांसमिशन वायरलेस स्टेशन) से “आवासीय उपयोग” में परिवर्तित किया जाता है।”

[सं० के-13011/18/90-डीडी-1 बी]

आई०एल० बंसल, ग्रबर सचिव

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 14th August, 1992

S.O. 2338.—Whereas certain modifications, which the Central Government proposed to make in the Master Plan for Delhi/Zonal Development Plan regarding the area mentioned hereunder were published with Public Notice No. F. 3(106)/81-MP dated 10-11-90 in accordance with the provision of Section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions required by sub-section (3) of section 11-A of the said Act, within 30 days from the date of said notice.

And whereas no objections and suggestions have been received with regard to the said proposed modification.

And whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan. Now therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION

The land use of an area measuring 4.71 hac. comprising of two rockets measuring 1.17 hac. and 3.54 hac. in Zone F-2 (Kailash Area) within Videsh Sanchar Nigam Complex is changed from “Public to Semi-Public Facilities (Transmission Wireless Station)” to “Residential use”.

[K-13011/18/90-DDIB]

I. L. BANSAL, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 24 जुलाई, 1992

का आ 2339:—केन्द्रीय सरकार, भारतीय आयु-विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा-11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुविज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की पहली अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में ए०पी० सिंह विश्वविद्यालय” शीर्ष और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित शीर्षक और प्रविष्टियां अंतः स्थापित की जाएंगी, अर्थात् : “स्वास्थ्य विज्ञान विश्वविद्यालय, आन्ध्र प्रदेश”

बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी	एम बी बी एस
बिचिस्तीय चिकित्सा विज्ञान में डिप्लोमा	डी.एम.आर.टी.
नैदानिक विज्ञान में डिप्लोमा	डी.सी.पी.
स्वरयंत्रज्ञान और कर्ण विज्ञान में डिप्लोमा	डी.एल.ओ.
रति रोग विज्ञान और त्वचा विज्ञान में डिप्लोमा	डी.वी.डी.
मेड विज्ञान में डिप्लोमा	डी.ओ.
स्त्री रोग विज्ञान और प्रसूति विज्ञान में डिप्लोमा	डी.जी.ओ.
रति रोग विज्ञान में डिप्लोमा	डी.वी.
संज्ञाहरण विज्ञान में डिप्लोमा	डी.ए.
बिचिस्तीय एक्स-रे निदान में डिप्लोमा	डी.एम.आर.डी.
बाल स्वास्थ्य में डिप्लोमा	डी.सी.एच.
ट्यूबरकुलोसिस और वक्षरोग में डिप्लोमा	डी.टी.सी.डी.
लोक स्वास्थ्य में डिप्लोमा	डी.पी.एच.
मास्टर आफ साइंस (शरीर रचना विज्ञान)	एम.एस.सी. (शरीर रचना विज्ञान)
मास्टर आफ साइंस (भौतिक विज्ञान)	एम.एस. (भौतिक विज्ञान)
विधि आयुर्विज्ञान में डिप्लोमा	डी.एफ.एम.
टिप्पण: उक्त अर्हताएं मान्यता प्राप्त आयुर्विज्ञान अर्हताएं तब होंगी जब वे प्रत्येक के सामने उल्लिखित तारीख के पश्चात् प्रदान की गई हों।	
एम०बी०बी०एस०	31 मई, 1993 से
स्नातकोत्तर डिप्लोमा	31 जनवरी, 1989 से
स्नातकोत्तर डिग्री	31 मार्च, 1990 से

[सं बी 11015/11/92-एम ई (यू जी)]

आर० विजयकुमारी, डेस्क अधिकारी

MINISTRY OF HEALTH & FAMILY WELFARE

(Deptt. of Health)

New Delhi, the 24th July, 1992

S.O. 2339.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Govt. after consulting the Medical Council of India hereby makes the following further amendment in the First Schedule to the said Act, namely :—

In the said Schedule, after the heading "A. P. Singh Univesity", and the entries relating thereto, the following heading and entries shall be inserted namely :—

"UNIVERSITY OF HEALTH SCIENCES, ANDHRA PRADESH :

Bachelor of Medicine & Bachelor of Surgery.	M.B.B.S.
Diploma in Medical Radiology-Therapy.	D.M.R.T.
Diploma in Clinical Pathology.	D.C.P.
Diploma in Laryngology and Otology	D.L.O.
Diploma in Venereology & Dermatology.	D.V.D.
Diploma in Ophthalmology	D.O.
Diploma in Gynaecology & Obstetrics	D.G.O.
Diploma in Venereology	D.V.
Diploma in Anaesthesia	D.A.
Diploma in Medical Radodiagnosis	D.M.R.D.
Diploma in Child Health	D.C.H.
Diploma in Tuber. & Chest Diseases.	D.T.C.D.
Diploma in Public Health	D.P.H.
Oiploma in Dermatology	D.D.
Master of Surgery (General Surgery)	M.S. (General Surgery).
Master of Surgery (Orthopaedics)	M. S. (Ortho.)
Doctor of Medicine (General Medicine)	M. D. (Dermatology).
Doctor of Medicine (Pathology)	M. D. (Pathology).
Doctor of Medicine (Pharmacology)	M. D. (Pharmacology).
Master of Surgery (E.N.T.)	M. S. (E.N.T.)
Master of Surgery (Ophthalmology)	M. S. (Ophthalmology).
Master of Surgery (Anatomy)	M. S. (Anatomy).
Doctor of Medicine (Dermatology)	M. D. (Dermatology).
Doctor of Medicine (Paediatrics)	M. D. (Paediatric).
Doctor of Medicine (Biochemistry)	M. D. (Biochemistry).
Doctor of Medicine (Anaesthesiology)	M.D. (Anaes).
Doctor of Medicine (Radio-therapy)	M.D. (Radio-therapy).
Master of Surgery (Paed. Surgery)	M.Ch. (Paed. Surgery).
Master of Surgery (Neuro-Surgery)	M. Ch. (Neuro-Surgery).
Doctor of Medicine (Social & Preventive Medicine)	Comm. Medicine, M.D. (S.P.M/Comm. Med).
Doctor of Medicine (Microbiology)	M.D. (Microbiology).
Doctor of Medicine (Physiology)	M.D. (Physiology).
Doctor of Medicine (Forensic Med.)	M.D. (Forensic Med.).

Doctor of Medicine (Obst. & Gynae.)

M.D. (Obst. & Gynae.).

Master of Science (Anatomy) M. Sc. (Anatomy).

Master of Science (Physiology) M.Sc. (Physiology).

Diploma in Forensic Medicine D.F.M.

Note.—The above qualifications shall be recognised medical qualifications when granted after the dates mentioned against each :—

MBB from 31st May, 1993.

Postgraduate diplomas from 31st January, 1989.

Postgraduate degrees from 31st March, 1990.

[No. V-11015/11/92-ME(UG)]

R. VIJAYAKUMARI, Desk Officer

नई दिल्ली, 24 जुलाई, 1992

का आ 2340.—सेकेंड मास्को मेडिकल इंस्टीट्यूट, यू एस एस आर द्वारा प्रदान की गई एम डी (फिजी-शियन) आयुर्विज्ञान अर्हता : भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए मान्यता प्राप्त आयुर्विज्ञान अर्हता है।

और डा तामरा अमेकर, जो उक्त अर्हता रखते हैं, तत्समय पूर्व कार्य के प्रयोजनार्थ श्री सिद्धेश्वर कैंसर अस्पताल और अनुसंधान केन्द्र शोलापुर से संबद्ध है,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक के खण्ड (ग) के अनुसरण में :—

(i) अप्रैल, 1994 तक की अवधि को, या

(ii) उस अवधि को जिसके दौरान डा तामरा अमेकर उक्त श्री सिद्धेश्वर कैंसर अस्पताल और अनुसंधान केन्द्र, शोलापुर से संबद्ध रहते हैं, इनमें से जो भी लघुतर हो, इस अवधि के रूप में, जिस तक पूर्वोक्त डाक्टर द्वारा चिकित्सा व्यवसाय सीमित होगा, विनिर्दिष्ट करती है।

[संख्या की 11016/5/91-एम ई (यू जी)]

आर. विजयकुमारी, डेस्क अधिकारी

New Delhi, the 24th July, 1992

S.O. 2340.—Whereas the medical qualification M.D. (Physician) granted by the 2nd Moscow Medical Institute, USSR is a recognised medical qualification for the purpose of Indian Medical Council Act, 1956 (102 of 1956).

And whereas Dr. Tamara Ausekar who possesses the said qualification is for the time being attached to Shree Siddheshwar Cancer Hospital and Research Centre Solapur for the purpose of Charitable work.

Now, therefore, in pursuance of clause (c) of the provision to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies :—

(i) a period upto 30th April, 1994, or

- (ii) the period during which Dr. Tamara Ausekar is attached to the said Shree Siddheshwar Cancer Hospital and Research Centre, Solapur, whichever is shorter, and as the period of which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/5/91-ME(UG)]

R. VIJAYAKUMARI, Desk Officer

नई दिल्ली, 24 जुलाई 1992

कां.आ. 2341 :—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की पहली अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

पहली अनुसूची में "गांधी जी विश्वविद्यालय" शीर्षक के नीचे और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियां अन्तः स्थापित की जाएंगी अर्थात् :—
"महात्मा गांधी विश्वविद्यालय

बैचलर आफ मेडिसिन एण्ड बैचलर आफ एम.बी.बी.एस.
सर्जरी

डॉक्टर आफ मेडिसिन (आयुर्विज्ञान) एम.डी. (आयु.)

डॉक्टर आफ मेडिसिन (संवेदनाहरण) एम.डी.
(संवेदना)

डिप्लोमा इन अनेस्थेसियोलॉजी ए.डी.ए.

टिप्पण : ये अर्हताएं जब 28 जनवरी, 1988 को या उसके पश्चात् अनुष्ठान की जाती हैं तब मान्यता प्राप्त अर्हताएं होंगी।"

[संख्या बी 11015/11/88-एम.ई. (पी.)]

आर. विजयकुमारी, डेस्क अधिकारी

New Delhi, the 24th July, 1992

S.O. 2341.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendment in the First Schedule to the said Act, namely:—

In the First Schedule, after the heading "GANDHII UNIVERSITY", and the entries relating thereto, the following heading and entries shall be inserted, namely :—

"MAHATMA GANDHI UNIVERSITY

Bachelor of Medicine & Bachelor of Surgery. M.B.B.S.

Doctor of Medicine (Medicine) M.D. (Med).

Doctor of Medicine (Anaesthesiology) M.D. (Anaes.).

Diploma in Anaesthesiology D.A.

Note : These qualifications shall be recognised medical qualifications only when granted on or after the 28th January, 1988."

[No. V. 11015/11/88-ME(P)]

R. VIJAYAKUMARI, Desk Officer

रूचना और प्रसारण मंत्रालय

नई दिल्ली, 28 जुलाई 1992

कां.आ. 2342 :—चलचित्र (प्रमाणन) नियमावली 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम 1952 (1952 का 37) के खंड-5 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस मंत्रालय के दिनांक 30-9-91 की अधिसूचना सं 809/6/91-एफ(सी) के अनुक्रम में केन्द्र सरकार निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के बंगलूर सलाहकार पैनल के सदस्यों के रूप में तत्काल प्रभाव से अगले आदेश होने तक नियुक्त करती है —

1. श्री डी. बी. बासावे गोडा
2. श्री के. शिवराज
3. श्रीमती सी. एस. लक्ष्मी
4. श्री अशोक कुमार
5. श्री के. सुन्दर
6. श्री बी. जी. अरुण कुमार
7. श्री एन. एल. अजय उपाध्याय
8. सुश्री सुमति बासवाराज
9. श्री एच. सी. चिक्कावेरिया
10. सुश्री सुरेखा
11. श्री राजन्ना
12. श्री महबूबजान
13. सुश्री महिमा

[फा सं 809/2/92-एफ (सी)]

एस लक्ष्मीनारायणन, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th July, 1992

S.O. 2342.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's Notification No. 809/6/91-F(C) dated 30-9-91 the Central Government is pleased to appoint the following persons as members of the Bangalore advisory panel of the Central Board of Film Certification with immediate effect and until further orders:—

1. Shri D. B. Basave Gowda
2. Shri K. Sivaraaj
3. Smt. C. S. Lakshmi
4. Shri Ashok Kumar
5. Shri K. Sunder
6. Shri B. G. Arun Kumar
7. Shri N. L. Ajay Upadhyaya
8. Ms. Sumathi Basavaraaj
9. Shri H. C. Chikkaveeriah

10. Ms Surekha
11. Shri Rajanna
12. Shri Mahabobjan
13. Ms Mahima.

[F. No. 809/2/92-F(C)]

S. LAKSHMI NARAYANAN. Jt. Secy.

श्रम मंत्रालय

नई दिल्ली, 5 अगस्त, 1992

कांसा 2343:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बालमुन्दा आयरन और माईन्स में अर्जुना लड्हा, मलिक) के प्रबन्धतंत्र के संबंध नियोक्तों और उनके कार्य-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, ओडिसा (भुवनेश्वर) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-92 को प्राप्त हुआ था।

[संख्या एल-26012/11/88-आई आर (विविध)]

बी.एम डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 5th August, 1992

S.O. 2343.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Orissa (Bhubaneswar) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Balmunda Iron Mine of M/s. Arjuna Ladha, Mine owner and their workmen, which was received by the Central Government on the 21-7-92.

[No. L-25012/11/88-IR(Misc)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESENT:

Sri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute case No. 18 of 1988 (Central)

Dated, Bhubaneswar, the 14th July, 1992

BETWEEN

The management of Balmunda Iron Mine of
M/s. Arjuna Ladha, Mine owner,
At P.O. Chaibasa, Dist : Singhbhum, Bihar.

First Party—management

(And)

Their workman Sri Manoranjan Sethi,
represented through North Orissa Workers Union,
P.O. Rourkela—12, Dist, Sundergarh.

Second Party—Workman.

APPEARANCES :

Sri Fakir Charan Dalai, Works Incharge.
For the first party-management.

Sri B. S. Pati, General Secy. of the Union & the work-
man himself.

For the second party-workman.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their order dated 28-6-88 have referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Balmunda Iron Mine of M/s. Arjuna Ladha Owner, At/P.O. Chaibasa, Dist : Singhbhum, Bihar in terminating the services of Sri Manoranjan Sethi, Record Keeper w.e.f. 1-10-87 is lawful and justified? If not, to what relief is the said workman entitled?”

2. On 6-4-92 the representative of both the parties filed a compromise petition stating that they have already settled the dispute out of Court at the interest of industrial peace and harmony and prayed to pass an award in terms of the compromise. The terms of the compromise were read over and explained to the parties to which they admitted to be true and correct. The compromise being fair is recorded. Hence, I pass this Award in terms of the compromise which do form part of the Award.

Dictated & corrected by me.

R. K. DASH, Presiding Officer

FORM—H

BEFORE THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, ORISSA, BHUBANESWAR

Industrial Dispute Case No. 18 of 1988 (C)

BETWEEN

The Management of M/s. Arjun Lodha,
Mine owner, At P.O. Chaibasa Dist.

Singhbhum, Bihar Represented by Sri Fakir Charan
Dalai, works incharge. . . 1st party;

AND

Their workman Sri Manoranjan Sethi represented by
Sri B. S. Pati the General Secretary, North Orissa
Workers' Union . . . 2nd party

IN THE MATTER OF PETITION OF COMPROMISE
DISPUTE

The humble petition of the parties as aforesaid;
Most respectfully sheweth :—

1. That the following dispute between the parties adjudicates before the Hon'ble Tribunal.

“Whether the action of the management of Balagunda Iron Mines of M/s. Arjun Lodha, Owner, At P.O. Chaibasa Dist. Singhbhum, Bihar in terminating the service of Sri Manoranjan Sethi, Record Keeper w.e.f. 1-10-1987 is lawful and justified. If not, to what relief is the said workmen entitled ”.

2. That in the meantime the parties out of their anxiety to settle the matters amicably, fairly between them have had a number of rounds of discussion between them and ultimately in the larger interest of both the parties they have come to agree on the following terms of compromise, composing dispute in reference, fully and finally.

(i) It is agreed to reinstate Sri Manoranjan Sethi, Record Keeper in service with immediate effect and he will be given all statutory benefits including continuity of service.

- (i) It is agreed that the management will pay the sum of Rs. 3000 (Rupees three thousand) only towards idle wages for the unemployment period.
- (ii) It is understood and agreed by and between the above two parties that this composition of dispute is voluntarily amicable and fair and that both the parties expressed without any reservation that this settlement is fully and finally compromise the matter of this dispute case pending before the Honourable Tribunal.
- (iv) That in view of the above compromise agreed and arrived at by and between the parties, the impugned dispute has been fully and finally settled and that the parties have no further course of action to proceed with the case.

PRAYER

The parties in the circumstances stated above pray that the above compromise may be accepted as amicable and fair and has having compromised the dispute in reference fully and finally and further pray that an award in terms of compromise as aforesaid may kindly be passed order that this joint petition may be confirmed part of this settlement and award that the learned Tribunal may be pleased to give in this case.

BY THE FIRST PARTY

Sd/-

(Fakir Charan Dalal)
Works Incharge,
Balagunda Iron Mines
M/s. Arjun Lodha.

Witness:—

Ram Kumar Munda
Vill-Namsi, P.O. Nandapada
Dist. Sundergarh (Orissa).

BHUBANESWAR:

Dated the 6th April '92

BY THE SECOND PARTY

(B. S. Pati)
Gen. Secretary,
North Orissa Workers Union,

Rourkela.

(Manoranjan Sethi)

Workman.

6-4-92.

नई दिल्ली, 5 अगस्त 1992

का.या. 2344 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओडिशा मिनरल्स डेवलपमेंट क. बारबिल, जिला (किओनज्जर) के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर (ओडिशा) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-92 को प्राप्त हुआ था।

[संख्या एन-29011/15/89-1 आई आर (मिश्रित)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th August, 1992

S.O. 2344.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar (Orissa) as shown in the Annexure in the Industrial Dispute (between the employers in relation to the management of Orissa Mineral Development Co. Barbil Dist. (Keonjhar) and their workmen, which was received by the Central Government on the 21-7-92.

[No. L-29011/15/89-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT:

Sri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute case No. 27 of 1989 (C)

Dated, Bhubaneswar, the 15th July, 1992

Between:

The Management of Orissa Minerals Development Co. Ltd., Barbil Dist, Keonjhar.

.....First Party-management.

(And)

Their workmen represented through Keonjhar Mining Workers Union, At/P.O. Barbil Dist: Keonjhar.

....Second Party-workmen.

APPEARANCES:

Sri M. C. Naik, Dy. General Manager (P)—For the First Party-management.

Sri I. M. Bohera, General Secretary of the Union—For the second party-workmen.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their Order dated 29th November 1989 have referred the following disputes for adjudication by this Tribunal:—

- (1) "Whether the demand of the Keonjhar Mining Workers Union, Barbil for regularisation of S/Sri Pramod Patra, Lois Lakra, Jagabandhu Mahakund and Biswanath Apat and for payment of equal wages alongwith other benefits at par with the corresponding category of regular workmen of O.M.D.C. Ltd., is justified? If so, what relief are the workmen entitled to?"
- (2) Whether the demand of the Keonjhar Mining Workers Union, Barbil for payment of equal wages and other benefits to Sri Guru Charan Munda & 16 others (workers of manganese section) at par with corresponding category of iron section workers of OMDC Ltd. is justified? If so, what relief are the workmen entitled to?"

2. This case was posted to 8-5-92 for recording settlement. On that day representatives of both the parties filed a memorandum of settlement and prayed to pass an award in terms of the settlement. They submitted that they have already settled the dispute out of Court in the interest of in

dustrial peace and harmony. The terms of the settlement were read over and explained to the parties to which they admitted to be true and correct. The settlement being fair is recorded. Hence, I pass this Award in terms of the settlement which do form part of the Award.

Dictated & corrected by me.

R. K. DASH, Presiding Officer

FORM II

(See Rule 58)

Form of Memorandum of Settlement

Name of Parties:

M/s. Orissa Minerals Development Co. Ltd., Barbil.

Vs.

Keonjhar Mining Workers Union, Barbil.

Representing Employer—Mr. M. C. Naik, Dy. General Manager (D) O.M.D. Co. Ltd.

Representing workman—(1) Mr. P. K. Mudali, Secretary K.M.W. Union. (2) Indramani Behro, General Secretary, K.M.W. Union.

Short Recital of the Case:

The K.M.W. Union had raised an Industrial Dispute before the Asstt. Labour Commissioner (C) Rourkela which ended in failure. Thereafter the said dispute No. 5(90)/89-RKL-A dt. 22-6-89 has been referred for adjudication before the Presiding Officer, Orissa Bhubaneswar vide Order No. L-26011/15/89-IR(Misc.) dt. 29-11-89 regarding equalisation of wages.

Both the parties have discussed at length on the reference of the dispute and agreed as under.

The reference of the Dispute is as under.

SCHEDULE

Whether the demand of Keonjhar Mining Workers Union, Barbil for regularisation of Sri Pramod Patra, Sri Lois Lakra, Sri Jagabandhu Mahakud, and Sri Biswanath Apat and for payment of equal wages along with other benefits at par with the corresponding Category of regular workmen of OMDC Ltd., is justified. If so, what relief are the workmen entitled to?

(ii) Whether the demand of the Keonjhar Mining Workers Union, Barbil for payment of equal wages and other benefits to Shri Gurucharan Munda and 16 others (Workers of Manganese Section) at par with corresponding Category of Iron Section workers of OMDC Ltd., is justified. If so, what relief are the workmen entitled to?

(4) In so far as the 1st part of reference of the dispute is concerned Shri Pramod Patra, Lois Lakra, Jagabandhu Mahakud and Biswanath Apat have been regularised as the permanent employee of the Company as per the dates mentioned below:

Name	Date of regularisation
(i) Pramod Patra	1-9-90
(ii) Lois Lakra	1-9-90
(iii) Jagabandhu Mahakud	1-6-90
(iv) Biswanath Apat	1-9-90

The 1st party management has already mentioned the above facts before the Tribunal on 5-11-90.

(5) That both the parties have mutually discussed regarding other benefits to the aforesaid 4 workmen and agreed as under:

- Pramod Patra will be up graded as Dak Peon in the Cat. III.
- Lois Lakra will be up-graded as per his eligibility subject to condition Cat. III.
- Jagabandhu Mahakud has already been up graded as Tractor Driver in Cat. V.
- Biswanath Apat will be up graded as Store/Office boy/Canteen/Lab. Boy in Cat. III.

(6) The second party therefore do not press for the demand as per the reference.

(7) In so far the second part of reference of the aforesaid dispute is concerned, both the parties have mutually discussed regarding Gurucharan Munda and 16 others (workers of Manganese Section). The 1st party management has agreed to up grade as mentioned against their names taking into account their suitability for the up gradation so that the dispute under reference is closed.

Name	Designation	Present Category	Revised category with Basic wages	Remarks
1	2	3	4	5
i. Gurucharan Munda	Mines Foreman	X	X	Issue is dropped.
ii. Purna Chandra Mahanta	—do—	IX	X Rs. 1200 -	To be upgraded
iii. R. K. Pradhan	—do—	X	X	Agreed to revise in proper fitment.
iv. R. K. Behera	—do—	IX	X Rs. 1200 -	To be upgraded.
v. Santosh Kumar Dutta	Mining Mate	—	—	Already Resigned
vi. D. L. Rout	Clerk [IX	X Rs. 1200 -	To be upgraded
vii. Tulshi Mahanta	Clerk	IX	X Rs. 1200 -	To be upgraded
viii. Md. Ayub	Security guard	—	—	Already Retired.

	1	2	3	4	5
ix.	Durga Bahadur	Security Guard	—	—	Already Retired
x.	Tarun Ghosh	Supervisor	—	—	Issue is dropped
xi.	Gangedhar Gope	—do—	—	—	Already Retired
xii.	Md. Suman	—do—	—	—	Issue is dropped
xiii.	Makru Bodra	Blaster	—	—	Issue is dropped
xiv.	Sadhu Oram	Asstt. Cinema Operator	—	—	Issue is dropped
xv.	Bodan Singh Kerai	Mining Mate	—	—	Already Retired
xvi.	Smt. Geeta Gope	Kamin	I	II Rs. 455/-	To be upgraded
xvii.	Druba Charan Swain	Cook	II	III Rs. 650/-	To be upgraded

8. The first party management agreed for upgradation of the concerned workmen w.e.f. 1-1-1992. The upgradation will be made within one month from today.

9. The second party therefore do not press for the demand as per reference in second part of the dispute.

(10) That there were two different kinds of wages in respect of departmental monthly paid staff and daily rated employees applicable to Iron Section and Manganese Section (Iron Staff and Manganese Staff).

(11) That in order to remove the disparity in wages applicable to Iron Staff and Manganese Staff, and to have a common scale of pay for both Iron Staff and Manganese staff, a Tripartite Settlement has been arrived at before the Regional Labour Commissioner (Central), Bhubaneswar on 4th July, 1991.

(12) That the aforesaid Tripartite Settlement is operative from 15th March, 1991 covering 537 departmental monthly paid and daily rated employees working in both Iron and Manganese Section at Thakurani, Bhadrasai and Belkundi Mines of O.M.D. Co. Ltd. This does not apply to the piece rated workers.

(13) That both the Iron staff and Manganese staff are now put to common scale of pay and they are entitled for same Dearness Allowance and Variable Dearness Allowance and other benefits.

(14) That as per the Tripartite Settlement dated 4-7-1991, the disparity in wages have been removed. They are now put in 10 common scales of pay keeping in view the years of experience total emoluments drawn, nature of job being performed and qualification.

(15) That the Tripartite Settlement dated 4-7-91 covering to 537 departmental monthly and daily rated employees is just and proper.

(16) Both the first party management and second party workmen, therefore pray that the Order may be passed as per the terms of settlement dated 4-7-1991 filed before your Hon'ble Tribunal on 31st August, 1991 with a copy to Union.

(17) It is prayed by the both 1st party management of OMDC Ltd. and the Second party workmen that the Hon'ble Industrial Tribunal will be pleased to pass the Award as per the Tripartite Settlement dated 4-7-1991 arrived at before the Regional Labour Commissioner(C), Bhubaneswar. Annexure 'A' enclosed.

The Award for the aforesaid dispute may be passed on the following terms.

(18) It is agreed to narrow down the difference in wages for 537 departmental staff working in Iron and Manganese Section and bring them together to common scales of pay applicable for both Iron and Manganese Staff.

(19) This revision of scale of pay will cover to the present 537 departmental monthly paid and daily rated employees as on 15-3-91 and not piece rated employees working in both Iron and Manganese section at Thakurani, Bhadrasai and Belkundi Mines.

(20) It is agreed to revise the existing 13 scales of pay for Iron Section and 11 scales of pay in Manganese Section. There will be 10 common scales of pay (categories) as mentioned below:—

- (i) Rs. 405-10-505-12-625-15-1075/-.
- (ii) Rs. 455-10-505-15-730-18-1180/-.
- (iii) Rs. 650-15-725-18-1085-20-1285/-.
- (iv) Rs. 700-18-1060-20-1360/-.
- (v) Rs. 800-18-980-20-1380/-.
- (vi) Rs. 850-20-1050-25-1425/-.
- (vii) Rs. 900-25-1150-30-1600/-.
- (viii) Rs. 950-30-1250-40-1730/-.
- (ix) Rs. 1000-35-1245-45-1830/-.
- (x) Rs. 1200-45-1650-55-2200/-.

(21) The existing employees, as on roll of the Company on dt. 15-3-91 will be fitted within the revised 10 categories w.e.f. 15-3-91 as per Annexure 'A' while making fitment the total wages as on 14-3-91 comprising of present basic ad hoc, fixed dearness allowance, V.D.A./F.V.C., Special Allowance if any, special pay if any, Gram Rebate if any, and servant allowance if any are taken into account.

(22) It is agreed that while making fitment in the revised 10 categories the monthly paid staff and daily rated employees working in Iron Section and getting Iron scale of pay will get a minimum guarantee of Rs. 105 (Rupees One hundred five only) as also the monthly paid staff and daily rated employees working in Manganese section getting Manganese scale of pay will get a minimum guarantee of Rs. 130 (Rupees One hundred thirty only) as fitment benefit.

Since the existing Employees are fitted in the revised 10 categories from 15-3-91, the next yearly increment will fall due on 1-1-1992.

(23) It is agreed that the departmental monthly paid staff fitted in the revised 10 categories will get a fixed Dearness Allowance Rs. 100 per month and balance amount of the existing gross emoluments are being treated as a part of revised basic/V.D.A.

(24)(i) It is agreed that apart from new basic and fixed dearness allowance of Rs. 100 p.m. the monthly paid staff will also get V.D.A. The calculation of V.D.A. will be based on Consumer Price Index figure published by Labour Bureau of Shimla, Government of India, 1960=100 series (For 1960 Series Index figure to be arrived at by multiplying the linking factor of 4.93 to the Index figure 1982=100 series) as per Government of India Notification No. XXIII/60/221 dated 31-1-89. The base Index figure is 753 in 1960 series or 152.73 (153) in 1982 series).

(ii) The V.D.A. will be paid @ Rs. 0.73 per every point per month or Rs. 0.03 per day on rise or fall over the base index of 753 (1960=100). V.D.A. will be payable for the quarter mentioned below for both Iron and Manganese departmental monthly paid and daily rated staff.

V.D.A. Payable	Basing on the Index figure for the preceding quarter
December, January, February	July, August, September,
March, April, May	October, November, Dec.
June, July, August	January, February, March
September, October, November	April, May, June

(25) The settlement is applicable to the departmental monthly paid and daily rated employees who are on roll of the Company as on 15-3-91.

(26) This settlement supersedes to any earlier settlement/agreement arrived at in so far as the scale of pay/grade, adhoc increase in pay Food Value Concession paid, any personal pay or Special allowance, Servant allowance, gram rebate are concerned.

(27) It is agreed that this settlement will be for a period of 4 years w.e.f. 15-3-91. However, after expiry of 3rd year it can be terminated as per the provision of the I.D. Act, 1947.

(28) It is agreed that the rate of V.D.A. will not however be below the rate of special allowance notified by Chief Labour Commissioner (Central) from time to time under the M.W. Act, 1948.

(29) While implementing the settlement if any anomaly arises, the same will be settled between the parties mutually fairly which the parties are at liberty to refer the same to R.L.C.(C), Bhubaneswar.

(30) This settlement is made without prejudice to the Minimum wages as notified from time to time by the Central Government and applicable to the employees covered under this settlement.

Sd/-
(I. M. Behera)
General Secretary,
Keonjhar Mining Workers' Union

Sd/-
(M. C. Naik),
Dy. G.M. (P)
1st Party Management
O.M.D. Co. Ltd.
30-1-92

Sd/- Illegible
Keonjhar Mining Workers' Union

Witness:
Manoranjan Shaw,
Clerk, O.M.D. Co. Ltd.,
Bareilly

Sd/- Illegible
Asst. Manager (P),
O.M.D. Co. Ltd.

नई दिल्ली, 12 अगस्त, 1992

का.प्र. 2345:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धन के संबंध में निजीकरण और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-92 को प्राप्त हुआ था।

[संख्या एल-32012/7/85-डी-IV (ए)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 12th August, 1992

S.O. 2345.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Calcutta Port Trust, and their workmen, which was received by the Central Government on the 11-8-92.

[No. L-32012/7/85-D.IV(A)]
B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 69 of 1986

PARTIES: Employers in relation to the management of Calcutta Port Trust.

AND

Their workmen

PRESENT:

Mr. Justice Manash Nath Roy,
... Presiding Officer.

APPEARANCES:

On behalf of Employer
Mr. P. Roy, Deputy Labour Adviser and I.R.O.

On behalf of Workmen
Mr. S. Das, Secretary of the Union.

State: West Bengal.

Industry: Port.

AWARD

The dispute, "whether the action of Calcutta Port Trust, in recording the date of birth of Sri Sunil Chandra Biswas, attached to Dr. Ajoy, as April 8, 1934, as assessed by the Medical Officer, Calcutta Port Trust (hereinafter referred to as the said Trust) and not January 21, 1939, on the basis of the School leaving certificate of the employee, was justified and if not, to what relief the employee concerned was entitled, was referred for adjudication to this Tribunal, by an order of Reference No. L-32012/7/85-D.IV(A), dated October 29, 1986, under section 10(1)(d) of the Industrial

Dispute Act, 1947 (hereinafter referred to as the said Act). The employee's case was represented by National Union of Watnont Workers(I), which will hereafter, be referred to as the said Union.

2. The parties to the dispute, on completion of pleadings, lead their evidence, both oral and documentary. It was the case of the said Union that as per the Rules of the said Trust, the date of birth of an employee, as appearing in his school leaving certificate, is accepted as evidence and correct, for the purpose of consideration of his age of superannuation, and in the absence of such certificate, the necessary age is determined by the Medical Officer of the said Trust.

3. It has been stated that here, the employee concerned, had submitted such a certificate, showing his date of birth as January 21, 1939. But, the said Trust, refused to accept the same, without any basis, justification or reason. The said certificate was dated April 7, 1965 and marked Exhibit W-1, wherefrom, it will appear that the same was issued by one Mr. Aftalouddin, stating himself to be the Head Master of Lakhpur Simulia High School in Bangladesh and it showed the date of birth of the employee concerned as January 21, 1939, which statement, was not admittedly incorporated in the initial certificate, but was incorporated subsequently.

4. The Medical Officer of the said Trust, of course assessed the age as April 8, 1934. The exceptions taken against, such recordings, have been indicated earlier and a prayer has been made to declare such recordings as void and the date of birth be directed to be recorded as January 21, 1939. The fact that, the said employee was appointed as Class IV staff on April 10, 1958, was not in dispute and there was no dispute that Matriculation/School leaving or Baptism certificates are considered to be valid evidence regarding the age of employees under the said Trust and in case, at the time of appointment, any employee is not in a position to produce such certificates, he is referred to the Medical Officer of the said Trust, alongwith a G. 53 Form, for assessment and after necessary assessment, the said Form is given to the employee concerned, to hand over the same, with advice to file the same to the issuing authority and then, the age as determined, is recorded in the Service Sheet. These facts were not also in dispute and the said sheet, showing the age at the time of appointment, has shown the age as 24 years on April 8, 1958, in the concerned sheet, marked Exhibit M-2.

5. This is also an undisputed fact that at the time of entry, the employee concerned, could not produce such certificate or any of them, as indicated earlier and so, his age was assessed by the Medical Officer, on due reference and in all the records, including Exhibit M-5, the date of birth of the said employee was indicated as June 27, 1934. This Exhibit M-5 was the attestation Form, duly filled in by him and the information as indicated therein, were certified by Ms. Maitraye Bose, M.L.A., which again, was enquired into by the D.I.G., I.B., C.I.D., West Bengal and he found that there was nothing on record, against him. This verification was done on the basis of the particulars in Ext. W-3. This report was perhaps related to Police verification. On the basis of the Service Sheet or the recordings as made therein, in the manner as indicated, the employee, on attaining 60 years, is to retire on April 8, 1994. It should also be noted that in Ext. M-5, the employee, declared that he read upto Class IX, but Ext. W-1 showed that he read upto Class VIII. He, ofcourse duly declared therein that he read in Lakhpur Simulia High School.

6. Apart from relying on the aforesaid admitted facts, the said Trust also pointed out, on December 27, 1961, as will appear from Ext. M-4, the employee concerned, met with an accident and there, he also declared his age as 27 years. In fact, the said Trust relied on the voluntary statements as available in Ext. M-5 and as made by the employee concerned, in support of their case.

7. It would appear that the said Union, by their letter of March 24, 1983, forwarded Ext. W-1 and requested for the change of the recorded age of the employee concerned, but, they did not explain any due reason, such late submission of the evidence of age, even though, it was indicated that the said Exhibit was in the possession of the employee since April 7, 1965. The said Trust indicated that the concerned certi-

hate was really a character certificate and was not actually, in the form of the concerned School and furthermore, the date of birth as January 24, 1939 was placed, in between the last line and penultimate line of the same. The difference in the declaration as made by the employee in respect of the class in which he read and the date as mentioned in the certificate, was also pointed out and it was also pointed out that in the said certificate, reference to any record, was not made, in which, the date of birth was entered or mentioned. In that view of the matter, it was pointed out that the certificate by the Head Master, was not a proper one. The validity, bona fide and authenticity of the Exhibit, was also doubted and disputed. It was further indicated that in the facts of the case, the age as assessed by the Medical Officer and as made prior to at the time of the appointment of the employee, was due, legal and became final, furthermore, such age as recorded, was accepted by the employee concerned and that too, without raising any objection. It has further been stated that since the identity of the student as appearing in Ext. W-1, could not be established with that of the employee concerned, so the same, should not also be looked into and considered. The genuineness of the said Exhibit was also doubted and disputed. In view of the above, it was claimed that the employee concerned would not get any relief in this proceedings. It should also be noted that there was no rejoinder filed against the above statements by the said Trust.

8. It will appear from the evidence of the employee, WW-1 that he could not deny the facts as indicated by the said Trust. In fact, he substantially agreed with them, more particularly, with the filing and filling up of Ext. M-5 and that at any time, he raised no objection, to such recordings, although he put his L.T.I. there, and in fact, he has stated that the statements as contained there and as made by him, were correct. The fact of recording the age as aforesaid, also get support from Ext. M-3, which the said WW-1 has also signed and that recording also agreed with the recordings in Ext. M-2. The fact that the employee concerned could not furnish his School Leaving Certificate at the time of his entry into service and for that G-53 certificate had to be executed and obtained, was also admitted by him and such fact or the execution of G-53 certificate, was not, as indicated either, disputed by him.

9. In view of the above and the state of evidence, Mr. Roy contended that there was really no dispute about the recordings and if at all, such dispute was sought to be raised at a belated stage, even though the employee concerned was aware of all the happenings and recordings and the dispute was sought to be raised only in September 1954 by Ext. M-7 and it is also an admitted fact that there was no clerical or accidental mistake in such recordings. It was pointed out that by Ext. M-6, the said union was informed that prayer for correction can be made in case of any clerical mistake, but here, no such steps were taken. It was further submitted that the employee has not and infact, given any explanation of such delay. It was then indicated that Ext. W-1 was not duly proved and there was admitted writings of the date of birth therein subsequently and even such in corporation was not supported by any date. Mr. Roy then contended that Fundamental Rules are applicable in respect of the employees of the said Trust and under Note 5 of Rule 56 of the said Rules, the employee concerned could have applied for correction of age within 5 years of his entry into services, but in this case, no such step was taken.

10. Mr. Roy submitted that claim for correction/recording/change as made at such a belated stage and practically towards the end of the service of the employee concerned, cannot be permitted, in terms of the determinations in the case of Steel Authority of India Ltd. Vs. Industrial Court Indore and Ors., 1987 Lab. I.C. 579. It is true, if such claim as in this case, is accepted or allowed to be raised at such a belated stage, that will be contrary to service jurisprudence. The principles as involved by the above case, do also get support amongst others, from the case of Surojit Jearder Vs. I.L.C. of India and Ors., 1989 (58) F.L.R. 275 and also from the case of Steel Authority of India Ltd. vs. Sadhan Kumar Chakraborty and Ors., 1991(62) F.L.R. 766.

11. The certificate Ext. W-1, apart from the character as indicated earlier, was claimed by Mr. Roy to be really a character certificate and on the basis of the available evidence. I also feel that the subsequent incorporation of the date of

birth, could not be denied or disputed and neither the identity of the maker of the same nor that of the employee concerned as recorded in the School, was proved. Mr. Roy, thus rightly claimed that as Ext. W-1 was not duly proved and so in view of decision in Ram Murty Vs. State of Haryana, A.I.R. S.C. 1029, no reliance can be placed on the same.

12. Mr. Das, appearing for the said Union did not dispute the validity of the execution of G-53 Form, but claimed that asking for such proof of age by the said Trust, was in excess of power and that too, in view of Section 58 of the Evidence Act, since there was admitted declaration made by the employee. I feel such submissions will be of no or little avail.

13. Even though, delay in applying for correction/recording of the date of birth was admitted, Mr. Das claimed that such delay was duly explained, which fact, to my mind, was far from being real. It was of course submitted by him that the application in this case was not for correction of age, but the same was for proper recording of age. The subtle distinction without any or much difference, which was sought to be established by Mr. Das in the two terminologies, could hardly be followed and accepted. He, then submitted that G-53 Form or the age as assessed therein, was merely by conjecture and so, the recordings as made, may be ignored. But, as it appeared from other intrinsic evidence, which agreed with the age as recorded in the said Form, the submissions as indicated, were not of substance.

14. In view of the above, I feel that the said union has not been able to prove the case of the employee concerned or to draw any sustenance on the basis of the submissions as made and as such, the Reference cannot be answered in the affirmative and is thus, rejected.

This is my Award.

Dated, Calcutta.

The 8th July, 1992.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 10 अगस्त, 1992

का.आ. 2346 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेसर्स भारत कोकिंग कोल लि. की लोहा पट्टी कोलिथरी के प्रबन्धन में संवाद नियोजकों और उनके कर्मचारियों के बीच, अनुवय में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं.-1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 3-8-92 का प्राप्त हुआ था।

(संख्या एल-20012(219)/90-आई.आर. (कोल-1)

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 10th August, 1992

S.O. 2346.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad shown in the Annexure in the industrial dispute between the employers in relation to the management of Lohapatty Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 3-8-92.

[No. L-20012(219)/90-IR(Coal-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 25 of 1991

Parties :

Employers in relation to the management of Lohapatty Colliery in Mohuda Area II of M/s. BCCL.

AND

Their Workmen.

Present :

Shri S. K. Mitra, Presiding Officer.

Appearances :

For the Employers : Shri H. Nath, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 27th July, 1992

AWARD

By Order No. L-20012/219/90-I.R. (Coal-I); dated, the 14th March, 1991, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (a) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the management of Lohapatty Colliery in Mohuda Area II of M/S. B.C.C. Ltd., P.O. Mohuda, Dist. Dhanbad is justified in denying regularisation of Shri Hari Ram Manjhi in the post of Underground Munshi in Clerical Grade? If not, to what relief the said workman is entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be passed on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and pass an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Sec. 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

BEFORE THE PRESIDING OFFICER, CGIT NO. I
DHANBAD

Ref. 25/91

Employers in relation to the management of Lohapatty Colliery of BCCL, Mohuda Area.

AND

Their workmen (Hari Ram Manjhi)

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth :

TERMS OF SETTLEMENT

- (1) That the concerned workman Sri Hari Ram Manjhi underground Munshi will be placed in Clerical Gr. II with effect from 1-1-91.
- (2) That all the benefits arising out of his placement will be given to him from the said date.
- (3) That in view of this settlement there remains nothing to be adjudicated.

Under the circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of settlement.

For the Workman

(B. Mohanthy)

Area Secy. BCKU

For the employers
(MM BHATTACHARYA)
General Manager, BCCL,
Mohuda Area.
A. K. RAO)
Dy. Chief Pers. Manager
BCCL, Mohuda Area.

नई दिल्ली, 11 अगस्त, 1992

का.आ. 2347 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इन्डिया एश्योरेस कम्पनी लि. के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-1992 को प्राप्त हुआ था।

[संख्या एल-17012/53/91-आई.आर.बी-2]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 11th August, 1992

S.O. 2347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the New India Assurance Co. Ltd. and their workmen, which was received by the Central Government on 10-8-1992.

[No. L-17012/53/91-IRBII]

V. K. VENUGOPALAN, Desk Officer

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 7 of 1992

Parties :

Employers in relation to the management of the New India Assurance Co. Ltd.

AND

Their workmen.

PRESENT :

Mr. Justice Manash Nath Roy Presiding Officer.

Appearance :

On behalf of management.—Mr. T. N. Mullick, Advocate.

On behalf of workmen.—Mr. Paras Basu, Gen. Secretary of the Union.

STATE : West Bengal

INDUSTRY : Insurance

AWARD

Over the action of the management of New India Assurance Co. Ltd., denying the one time promotional exercise of Senior Assistant to Shri S. K. Weddedar, the dispute about the bonafide or otherwise was referred for adjudication before this Tribunal by the Govt. of India, Ministry of Labour vide Order No. L-17012/53/91-IR(BII) dated Nil.

2. The Association representing the workman filed their written statement but such statement was not filed by the employer.

3. An application dated 24th July 1992, signed by the parties has been filed today, enclosing a memorandum of settlement, wherefrom it appears that they have amicably settled their dispute in terms of that settlement.

4. Thus it was prayed that a No Dispute Award be made and as such dispose of the reference.

5. After hearing the learned representatives and considering the terms of settlement, it appeared that the terms were reasonable.

6. As such, I dispose of the reference by making a No Dispute Award, as prayed for.

The reference is thus disposed of.

Dated, Calcutta
The 28th July, 1992.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 11 अगस्त, 1992

का.आ. 2348 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में. टाटा आयरन एंड स्टील कं.लि. की वेस्ट बोकारो कोलियरी, घटोलंड (हजारीबाग) के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-92 को प्राप्त हुआ था।

[संख्या एल-20012/177/90-आई.आर. (कोल-1)]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 11th August, 1992

S.O. 2348.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of West Bokaro Colly. of M/s. Tisco Ghataland (Hazaribagh) and their workmen, which was received by the Central Government on the 7-8-92.

[No. L-20012(177)/90-IR(Coal-I)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 182 of 1990.

Present :

Employers in relation to the management of West Bokaro Colliery of M/s. TISCO.

AND

Their Workmen.

Present :

Shri S. K. Mitra, Presiding Officer.

Appearances :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dated, the 28th July, 1992

AWARD

By Order No. L-20012(177)/90-I.R. (Coal-I), dated, the 22nd August, 1990, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of West Bokaro Colliery of TISCO Ltd., P.O. Ghatot and, Dist. Hazaribagh by not re-instating the services of Sri Lakhman Sao, Senior Loco Driver (Underground) w.e.f. 19-6-89 and not making payment of arrears of wages and other allied benefits payable to him from time to time and onwards w.e.f. 19-6-89 is legal and justified ? If not, to what relief the workman concerned is entitled to ?"

2. The case of the management of West Bokaro Colliery, as disclosed in the written statement-cum-rejoinder, details apart, is as follows :—

The present reference is not legally maintainable. The concerned workman, Lakhman Sao was appointed as Onsetter on 29th June, 1953 and was posted in underground mine. He was promoted as Loco Driver by letter dated 6th/7th September, 1974 and was further promoted as Senior Loco Driver by letter dated 31st January/3rd April, 1988. He was deputed as Loco Driver of Electric Locomotive No. 12 on 24th March, 1989 during 1st shift working commencing at 8 a.m. and ending at 4 p.m. Deoki Mahato, Pointsman was working alongwith him and was under his control and supervision to assist him in transportation work of coal with Electric Locomotive No. 12. At about 2 p.m. of 24th March, 1989, he and Deoki Mahato were taking a rake of empty mine cars connecting X Seam to VII Seam on an inclined plane with the help of No. 12 Electric Locomotive for supplying to VII Seam Yard. The rake of empty cars attached to the Locomotive got detached and separated from the Locomotive due to accidental uncoupling at the point of joining and started moving behind the Locomotive uncontrolled. The concerned workman did not apply the brake to stop the locomotive and the rake of the empty mine cars following the Locomotives. He speeded up the Locomotive and left the mine cars to move without any control by gravity in a negligent manner amounting to recklessness assuming that nothing would happen. But as the matter would have it, the overman of the district, Pancham Singh was coming from opposite direction at that particular moment. The concerned workman observed the overman coming from opposite direction and his co-worker, Deoki Mahato, pointed out to him that the overman was coming from opposite direction. He requested to apply the brake of the Locomotive and not to permit uncontrolled movement of mine cars. The empty mine cars running uncontrolled dashed against Pancham Singh causing injury to him which ultimately resulting in his death. Consequent upon this accident, on 7th April, 1989 a chargesheet was issued to the concerned workman for commission of serious misconducts under clause 27(6) and 27(19) of the Certified Standing Orders. He submitted his reply to the chargesheet practically admitting all facts constituting the commission of misconduct but took the defence that the apprehended danger to his life and did not apply the brake of the Locomotive. He stated that after the accident he stopped Locomotive and stopped the movement of mine cars which got derailed. Anyway, Sri S. K. Prasad, Senior Personnel Officer of West Bokaro Colliery was appointed Enquiry Officer to conduct the departmental enquiry relating to the chargesheet issued to him. Sri T. C. Saraf, Additional Manager, was appointed as Presenting Officer. By letter dated 17th April, 1989 the concerned workman was informed about the appointment of Enquiry Officer & Presenting Officer. He was directed to appear before the Enquiry Officer on 22nd April, 1989 and to participate in the enquiry. The departmental enquiry was held on 22nd April, 1989, 24th April, 1989, 26th April, 1989 and 27th April, 1989 in presence of the concerned workman. He was given full opportunity to cross-examine the management's witnesses, to give his own statement and to produce his defence witness. He fully participated in the enquiry. He did not raise any objection against the Enquiry Officer or procedure of enquiry followed by him. The enquiry was held in accordance with the principles of natural justice. The Enquiry Officer submitted his enquiry report holding him guilty of the misconducts alleged against him. The entire enquiry pro-

ceeding, enquiry report and other relevant papers were examined by the Manager and Agent of the Mines and decision was taken to dismiss him from service. He was dismissed from service by letter dated 27th/29th May, 1989 issued by the Agent of the Colliery. The past conduct of the concerned workman was not free from blames. He was warned and suspended on earlier occasions for commission of misconducts including negligence or duty. In the circumstances, the management has submitted that the action taken by it in dismissing the concerned workman from service be held to be legal and justified.

3. The case of the concerned workman, as disclosed in the written statement submitted on his behalf by the sponsoring union, Rashtriya Colliery Mazdoor Sangh, briefly stated, is as follows :

The concerned workman, Lakhman Sao, Senior Loco Driver (Underground) in West Bokaro Colliery was first appointed in the service of the colliery with effect from 29th June, 1958. He was a permanent employee. His duty was to drive Loco Engine underground. On 24th March, 1989 his duty was in the first shift commencing from 8 A.M. and lasting till 4 P.M. and he was deputed to work in Electric Loco No. 12 alongwith Deoki Mahato, Pointsman. At about 2 P.M. he was taking the rake of empty mine cars for supplying to VII Seam Drift Course. He noticed near X to VII Seam Drift Course that the mine cars attached to the Loco were detached due to coming out of the pill from the clamp and the mine cars were running in uncontrolled and free motion. At that particular time Pancham Singh, Overman, was coming in the drift and was hit by the mine cars resulting in serious bodily injury. Sri Singh later succumbed to his injury in the hospital. The management considered this accident as negligence and failure of duty on his part as Loco Driver. Because the accident could have been prevented by proper application of brake which was subsequently tested and found to be in order. Since he failed to control the loco and allowed uncontrol and free motion of mine cars, which resulted in the accident, the management issued him with a charge-sheet dated 7-4-89 under Clause 27(6) and 27(19) of the Company's Standing Order for gross negligence of duty and violation of the provisions of Regulation 190 of Coal Mines Regulation, 1957. He submitted reply to the chargesheet in which he mentioned that had he applied the brake to stop the loco, the mine cars would have collided with the loco and in that situation more serious damage to the loco would have been caused and that would have endangered his life. The only course was to go ahead at a greater speed to attend the level of the surface of the ground, so that his loco could not be crushed or damaged by the in-coming mine cars. The side of the drift is very narrow and accident of this nature could not be avoided when the mine cars got free from the coupling with the loco. According to him, he could not be held responsible for the accident and that it was not on account of his negligence. In fact, as a Loco Driver it was not his duty or responsibility to check the mechanical defect with the loco he was driving. His reply to the charge-sheet was not considered satisfactory by the management and a domestic enquiry was held in which he fully participated. He gave his own statement and placed his point of view before the Enquiry Officer. But the Enquiry Officer did not consider his plea in proper prospective and held him guilty of negligence of duty and breach of Regulation 190 of Coal Mines Regulation. The management accepted the report of the Enquiry Officer and dismissed him from service. He and his union demanded re-consideration of the punishment order and his reinstatement in service with back wages. But the management paid no heed to the demand and therefore the union was compelled to raise an industrial dispute before the Asstt. Labour Commissioner (C), Hazaribagh. In the course of conciliation, the union was prepared for settlement of the dispute by arbitration. But the conciliation proceeding ended in failure due to adamant attitude of the management. The Conciliation Officer submitted a failure report to the Government of India. The appropriate Govt. considered the question involved in the dispute and referred it for adjudication by this Tribunal. He does not accept that the domestic enquiry was held fairly and properly. The officers of the management including the Enquiry Officer wanted to throw the entire blame on him for the accident resulting in the

death of one of the company's overman. As it was matter of accident, the Director General of Mines Safety should have investigated and the report of the Director General of Mines Safety should have been placed before the domestic enquiry by the management. He was not responsible for free movement of the mine cars since he was not the person who did the coupling. Furthermore, Regulation 190 of the Coal Mines Regulation, 1957, provides certain arrangement in the drift position and there was nothing to show that such arrangement was provided by the management for the overman to take shelter. It was his duty to protect the loco and the mine cars apart from his own life specially when applying of brake would have endangered the company's property and his life. The Enquiry Officer did not consider and appreciate the above facts in his report. The report of the Enquiry Officer, therefore, suffers from perversity. The officers of the management had involved him and awarded severe punishment of dismissal from service in order to put the blame on him for the accident and death of Pancham Singh in order to save their own skin. The Director General of Mines Safety apparently did not find that any breach of Regulation 190 of Coal Mines Regulations was committed by him. That by itself would show the hollowness of the action in dismissing him from service by the management.

4. In rejoinder to the written statement of the concerned workman, the management has stated that the concerned workman observed detachment of mine cars and their uncontrolled and free motion much before the accident. In his reply to the charge-sheet he admitted that he did not apply the brake after noticing the uncoupling of mine cars and allowed the mine cars to move uncontrolled. He took the motivated defence that had he applied the brake there would have been damaged to the loco and his life would have been endangered. After the accident he stopped the locomotive and the mine cars by applying the brake and nothing happened except that some mine cars got de-railed. Thus his defence plea is without foundation. The Locomotive and mine cars are provided with buffers to act as spring to absorb jerks in the event of application of brake and the forward uncontrolled movement of mine cars can be stopped forthwith. Drags are provided at the end to prevent backward movement of mine cars uncontrolled. It is the duty of the Loco Driver to apply brake and to fit the Drags as per requirement with the help of his pointmen. He is not permitted to allow uncontrolled motion of mine cars in the event of uncoupling from the Loco for any reason whatsoever. The drift may be narrow or wide according to requirement and strata conditions, but it is not made to permit uncontrolled movement of mine cars and such movement of mine cars has been strictly prohibited under the Coal Mines Regulations, 1957. The safety precautions required to be provided in a drift depends on various factors including strata conditions and directions, permissions from the Chief Inspector of Mines. The management made and kept drift as per provision of law. Uncontrolled movement of tubs or mine cars is prohibited in all part of a mine. The management has reiterated the factual position as taken by it in his written statement.

5. In rejoinder to the written statement of the management, the concerned workman has stated that he acted in a very prudent manner to save loco engine and his own life. The domestic enquiry was unfair and the report of the Enquiry Officer was perverse as the Enquiry Officer did not apply his mind to the facts and circumstances of the case. He has reiterated the factual position as made out in his written statement.

6. At the instance of the management the fairness and propriety of the domestic enquiry was considered as preliminary issue. In the course of hearing on preliminary issue, the management examined one witness, namely, T. C. Saraf (MW-1), Presenting Officer for the management in domestic enquiry and laid in evidence amass of documents which have been marked Exts. M-1 to M-12.

The concerned workman did not examine himself nor did he adduce oral or documentary evidence.

At the time of hearing the preliminary issue, Shri J. P. Singh, learned Advocate for the concerned workman, conceded that the domestic enquiry was held fairly and properly. Accordingly, it was held that the domestic enquiry was held fairly and properly. Thereafter the case was heard on merits.

7. Undisputedly, Lakhan Sao was appointed as Onsetter in West-Bokaro Colliery of M/s. TISCO on 29-6-53 and posted to underground mine. He was promoted as Loco Driver on 9-9-74 and was further promoted as Senior Loco Driver on 1-2-88 (Service Card Ext. M-11). Admittedly, he was deputed as Loco Driver of Electric Locomotive No. 12 on 24-3-89 during the first shift working commencing from 8 A.M. and ending at 4 P.M. Deoki Mahato, Pointsman, was working alongwith him under his control and supervision to assist him in the transportation work of coal with the help of Electric Locomotive No. 12.

8. At about 2 P.M. on 24-3-89 he and Deoki Mahato were taking rake of empty mine cars along the curve of the stone drift connecting X Seam to VII Seam on an inclined plane with the help of No. 12 Electric Locomotive for supply to VII Seam Yard. The rake of empty cars attached to the Locomotive got detached and separated from the Locomotive due to uncoupling at the point of joining. These detached empty cars started moving behind locomotive uncontrolled. It is the case of the management that the concerned workman did not apply brake to stop the Locomotive and the rake of empty mine cars following locomotive. He speeded up the Locomotive and left the mine cars to move without any control by gravity in a negligent manner amounting to recklessness. It is further case of the management that Pancham Singh, Overman, was coming towards the Locomotive from the opposite direction, but despite his having observed that Shri Singh was coming from Opposite side, he did apply the brake even though Deoki Mahato requested him to apply the brake and the mine cars running uncontrolled dashed Pancham Singh causing serious bodily injury, Shri Singh ultimately succumbed to his injury.

9. Consequent upon this occurrence the management issued chargesheet against the concerned workman which is gleaned hereinbelow (Ext. M-1) :

"Sri Lakhan Sao, P. No. 930.

Sr. Loco Driver. Section—Underground.

You are hereby asked to show cause why disciplinary action should not be taken against you under Clause 27(6) & 27(19) of the Standing Order for the following misconduct.

On 24-3-89 you were in 1st shift duty i.e. from 8.00 a.m. to 4.00 p.m. and were deputed to work as Loco Driver in Electric Loco No. 12, alongwith Sri Deoki Mahto, Pointsman.

On that day at about 2.00 P.M. while you were taking a rake of empty mine cars for supplying to VII Seam Yard, you noticed near the X to VII Seam drift curve that the mine cars attached to the loco were detached due to coming out of the pin from coupling chain and mine cars were running in uncontrolled and free motion.

While the mine cars were in free and uncontrolled motion one of the overman Sri Pancham Singh was hit by the mine cars who was in the drift at that time and got serious bodily injury resulting in spinal fracture of 7th & 8th thoracic vertebrae & multiple fractures in left leg & right foot.

You have failed in the performance of your duty as Loco Driver by not preventing the uncontrolled motion of mine cars at the curve by applying the brake when you first noticed that the rake has got detached from the Loco. You did not control the loco and the rake under your charge and allowed uncontrolled and free motion of the mine cars.

The above act on your part is a gross negligence of duty which resulted in a serious accident.

You have also violated the provisions of Regulation No. 190 of Coal Mines Regulations 1957 which read as follows.

"No person shall negligently or wilfully do anything likely to endanger life or limb in the mine, or negligently or wilfully omit to do anything necessary for the safety of the mine or of the persons employed therein.

You are hereby charged with gross negligence of duty and violation of Coal Mines Regulation, 1957.

You are allowed 72 hours from the date of receipt hereof to give your explanation

Any representation that you make in this connection will be taken into consideration before passing orders.

Sd/- 7-4-89

Manager (Operation) UG,
West Bokaro."

The concerned workman submitted his explanation to the charge-sheet which is re-produced hereinbelow (Ext. M-2);

"To

The Manager (Operation), U.G.

Sir,

In reply to the above charge I wish to say that I was deputed to work in Loco No. 12 (Electrical) on 24-3-89 in first shift duty. While I was going to supply mine car in VII Seam Yard and reached near X to VII Seam drift curve I found that loco was detached from mine cars and mine car became uncontrol due to fast speed. At that place the loco line was going down the mine car were running fast. If I had applied brake to stop the loco there the mine cars would have jumped to the loco and there was the possibility of danger on life. So I tried runaway with loco at a safer place to save my life from the fast running mine car.

In the mean time I saw that one person coming from the opposite site Sri Deoki Mahato, pointsman spoke in the top of his voice uttering "Gaari Kat Gaya Hai Jagah Pakar Liyeeye." and after crossing Sri Pancham Singh, overman, I saw that the cap lamp of Pancham Singh is not looking. Then I stopped the loco and mine car suddenly hit the loco and derailed. Then I rushed to see the condition of Pancham Singh where I found that he was seriously injured and lying beside the main line.

Keeping in view of the above circumstances, the accident took place only due to detachment of mine car from the loco not due to my negligence. I have performed my duty very honestly and sincerely. Hence, charge sheet may kindly be withdrawn.

Yours faithfully,

Sd/-

LAKHAN SAO

P. No. 930, Loco Driver."

10. The management considered the explanation of the concerned workman to the charge-sheet unsatisfactory and held domestic enquiry. In the domestic enquiry the concerned workman was found guilty of both counts of charges. The Agent, after consideration of the report of the Enquiry Officer, dismissed him from service. Thereafter the present industrial dispute has been raised by the concerned workman.

11. After consideration of materials on record these following facts remain undisputed :—

(i) On 24-3-89 Yakhn Sao, Senior Loco Driver was deputed for duty in the 1st shift commencing from 8.00 a.m. to 4.00 p.m. and deputed to work as Loco Driver in Electric Locomotive No. 12 alongwith Deoki Mahato, Pointsman.

(ii) On that date at about 2.00 p.m. the concerned workman took a rake of mine cars consisting more than six mine cars for supply to VII Seam Yard.

It appears from the evidence of the concerned workman that when the locomotive was nearing the 2nd curve he noticed that the mine cars attached to the loco had been detached and it was running uncontrolled. It appears from the evidence of Deoki Mahato that he requested the concerned workman to control the mine cars by applying the brake of the locomotive, but the concerned workman drove the locomotive in high speed and did not bother to control the mine cars. It appears from the evidence on record that Pancham Singh, Overman, was coming from opposite direction. Sri Mahato stated in the domestic enquiry that he asked Pancham Singh to take shelter as mine cars were detached. It appears from the evidence that Sri Singh was hit by mine cars and was seriously injured. The evidence on record reveals that after the accident the concerned workman stopped the locomotive by applying brake which was subsequently found to be in order and in the process some mine cars got derailed.

12. It is the defence of the concerned workman that accident happened as a result of detachment of mine cars. The position is indeed so, but the prime question remains whether the accident could have been averted by the concerned workman by applying brake of the locomotive. It is the defence of the concerned workman that had he applied the brake that would have endangered his life caused damage to the locomotives. It is evident that after the accident he applied the brake and some of the mine cars were derailed. There is no evidence on record to indicate that any of the mine cars were severely damaged by such derailment. There is also no evidence to indicate that the locomotive was damaged. At the time of domestic enquiry the concerned workman taken the position that he got some minor injury. But in his explanation to the chargesheet he did not state that he received any injury on his person when he stopped the locomotive. His evidence indicates that he saw Pancham Singh coming from opposite direction, but despite this fact he did not apply brake to the locomotive in order to avert the accident. His inaction cost a valuable life. His apprehension was that had he applied the brake, that would have caused damage to the locomotive and endanger personal safety. Both of these apprehensions are unfounded as subsequent evidence reveals. Subsequently he applied the brake to the locomotive; his personal safety was not endangered nor the locomotive was damaged.

Although he has claimed that after the accident he got down from the locomotive to see the condition of Sri Singh, this has not been supported by Deoki Mahato, Pointsman, accompanying him in the locomotive. Sri Mahato stated in the domestic enquiry that he went to help Pancham Singh, he wrapped up the wounds of Sri Singh who was bleeding profusely and thereafter Bishundeo Singh, Loco Driver, Locomotive No. 35 escorted Sri Singh outside the mine. Sri Mahato has firmly stated that the concerned workman could have easily controlled the mine cars near the curve and after the accident the concerned workman did not bother to help Sri Singh and he continued to sit in the Locomotive. Bishundeo Singh stated that he found that Pancham Singh Overman, was injured and he was bleeding profusely. He also found Deoki Mahato, Pointsman wrapping up his leg and he also helped him and wrapped up the wounds of Sri Singh with his towel. His statement does not indicate anything to show that the concerned workman did anything to help the unfortunate Singh.

14. Upon consideration of evidence on record, I am fully satisfied that the accident could have been averted by the concerned workman had he applied the brake of the locomotive in time and having failed to do so he manifested not only his negligence of duty, but also his crass carelessness in performance of his duty, which ultimately cost the life of Pancham Singh. I find that the Enquiry Officer is perfectly justified in holding the concerned workman guilty of both counts of charges.

14. The management, after accepting the report of the Enquiry Officer dismissed the concerned workman from service. I do not think that the punishment awarded to the concerned workman is disproportionate to the misconduct committed by him.

15. Accordingly, the following award is rendered—the action of the management of West Bokaro Colliery of M/s. TISCO, P.O. Ghatotand, Dist. Hazaribagh, in not reinstating Lakhon Saw, the concerned workman in service with effect from 19-6-89 and in not making payment of arrears of wages and other allied benefits payable to him with effect from 19-6-89 is justified.

In the circumstances of the case, I award no cost.

This is my award.

S. K. MITRA, Presiding Officer.

नई दिल्ली, 11 अगस्त 1992

का.आ. 2349 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. की सिजुआ क्षेत्र, निचितपुर कोलियरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-1992 को प्राप्त हुआ था।

[संख्या एल-20012/289/90-आई.आर. (कोल-1)]

वी.के. वेणुगोपालन, डैस्क अधिकारी

New Delhi, the 11th August, 1992

S.O. 2349.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Nichitpur Colliery under Sijua Area of M/s. BCCL and their workmen which was received by the Central Government on the 7-8-1992.

[No. L-20012(289)/90-IR(COAL-I)]

V. K. VENUGOPALAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 22 of 1991

PARTIES: Employers in relation to the management of Nichitpur Colliery under Sijua Area of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT: Shri S. K. Mitra,
Presiding Officer.

APPEARANCES:

For the Employers: Shri B. Joshi, Advocate.

For the Workmen: Shri B. K. Ghosh, Member,
Executive Committee,
Janta Mazdoor Sangh.

State: Bihar.

Industry: Coal.

Dated, the 29th July, 1992

AWARD

By Order No. L-20012/289/90-IR. (Coal-I), dated, the 21st March, 1991, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

“Whether the action of the management of Nichitpur Colliery under Sijua Area of M/s. B.C.C. Ltd. in dismissing Sri Hari Bhuiya from service vide their letter No. N/957/89 dated 2-5-89 is justified? If not to what relief the workman is entitled?”

2. The case of the management of Nichitpur Colliery of M/s. B.C.C. Ltd., as disclosed in the written statement-cum-rejoinder, details apart, is as follows:

The present reference is not legally maintainable. One person named Ram Prabesh Ram son of Sanichandra Ram of Village-Malluaha, P.S. Dav, Dist.—Aurangabad, surreptitiously entered into services of the management of Sendra Bansjora Colliery by impersonating Hari Bhuiya son of Behari Bhuiya of village—Haridih, P.O. Sonardih, Dist. Munghyar in 1981. He was transferred to Nichitpur colliery in 1984 and continued to work there as Miner/Loader without being detected by any competent person. In the year 1987 a report was received by the management that the concerned workman was impersonating Hari Bhuiya and was surreptitiously continuing working in Nichitpur colliery in the name of Hari Bhuiya. The management issued a letter dated 28-7-87 directing the concerned workman to produce certificate with documents alongwith photographs in proof of his genuineness so that his genuineness could be verified. He was advised to produce the certificates duly attested by the Block Development Officer of the area within whose jurisdiction his village is situated. The concerned workman did not submit any certificate to establish his genuineness and to refute the allegation that he was impersonating Hari Bhuiya. He, however, avoided to submit any document to refute the allegation that he was not the genuine workman named Hari Bhuiya. Thereafter the management issued another letter dated 22-9-87 stopping him from his duty on the condition that he would be allowed to join his duty after production of certificate of genuineness as required. He did not submit the required documents and thereby disobeyed the lawful order of the management. Had he not impersonated Hari Bhuiya there was no difficulty for him to get the certificate from the Mukhiya of his village duly attested by the B.D.O. having jurisdiction over his village and to submit the same to the management to refute the allegation that he was genuine workman named Hari Bhuiya. In the circumstances, the management had no other alternative but to issue a chargesheet against him alleging that he was impersonating Hari Bhuiya. The chargesheet was dated 21-1-88 and he was to submit his reply to the chargesheet. He did not submit satisfactory reply to the chargesheet enclosing therewith the certificate of genuineness from the Mukhiya of his village duly attested by the B.D.O. Therefore, the management appointed Shri S. Kumar, Dy. Personnel Manager as Enquiry Officer to enquire into the charges levelled against him. The Enquiry Officer issued notice of enquiry to the concerned workman fixing the date of enquiry on 1-3-89. Shri Birender Sharma was appointed as Presenting Officer on behalf of the management. Departmental enquiry was conducted in presence of the concerned workman and it was held in conformance to the principles of natural justice. The Enquiry Officer submitted his report on 20-3-89 holding him guilty of the misconduct alleged against him. The enquiry report and all other connected papers were perused by the competent authorities and approval for dismissal of the concerned workman was obtained from the General Manager of the Area. The concerned workman was dismissed from service by letter dated 2-5-89 issued by the Agent of Nichitpur Colliery. The police made enquiry in the matter and disclosed to the officer of the management that the concerned workman was not genuine workman named Hari Bhuiya and that he was, in fact, named Ram Pradesh Ram son of Sahi Chandra Ram.

2. The case of the concerned workman, as appearing from the written statement submitted on his behalf by the spon-

soring union, Janta Mazdoor Sangh, briefly stated, is as follows :

The concerned workman, Hari Bhuiya, was appointed in Sijua Area as Miner/Loader and posted at Sendra Bansjora Colliery in March, 1981 after he was fully satisfied the competent authority as to his identity. In 1984 he was transferred to Nischipur Colliery and worked there as Miner/Loader till he was stopped from duty from 22-9-87 on the allegation that he was impersonating in place of some other person. The contention of the workman was that the documents submitted by him at Sijua Area office at the time of appointment were genuine documents and that he had got no other identity. But his contention went unheeded. He was chargesheeted under Clause 17(1)(o) and 17(1)(q) of the Model Standing Orders applicable to the Coal Mining Industry again on vague allegation that he was impersonating some other person without specifically describing the name of such person. The domestic enquiry was conducted by a junior officer of Nischipur colliery. The Presenting Officer examined himself as only witness for the management in this case. The Presenting Officer stated before the Enquiry Officer that he heard from the Officer Incharge, Loyabad P. S. that the concerned was an impersonator. On the basis of hearsay evidence of the Presenting Officer, the Enquiry Officer found the concerned workman guilty of the charges levelled against him. The details of misconduct were disclosed for the first time by the Presenting Officer as management's witness during the domestic enquiry and hence the concerned workman did not get any opportunity to prepare himself for countering in the allegation. He was dismissed with immediate effect by letter dated 2-5-89. The action of the management is based on perverse finding of the Enquiry Officer. In the circumstances, the union has prayed that the action of the management in dismissing the concerned workman from service be held to be unjustified and that he be reinstated in service with full back wages from the date of his dismissal.

4. In rejoinder to the written statement of the sponsoring union, the management has stated that the concerned workman assumed the name of Hari Bhuiya, the genuine workman of Sendra Bansjora colliery and surreptitiously entered into the service of the management. The management has denied that the allegation of impersonation against the concerned workman was vague or that the charge against the concerned workman was vague. The finding of the Enquiry Officer is not perverse. The evidence of the Presenting Officer is based on hearsay evidence. The concerned workman is not entitled to reinstated in service.

5. In rejoinder to the written statement of the management, the sponsoring union has firmly asserted that the statement of facts as adumbrated in its written statement.

6. At the instance of the management the fairness and propriety of domestic enquiry was considered as preliminary issue. In the course of hearing on preliminary issue the management did not adduce any oral evidence, but laid in evidence the entire domestic enquiry proceedings including the chargesheet which were marked as Exts. M-1 to M-9.

The sponsoring union did not adduce any evidence, oral or documentary.

At the time of final hearing on preliminary issue the authorised representative of the union conceded that the domestic enquiry was held fairly and properly. Upon consideration of materials on record it was held that the domestic enquiry was held fairly and properly. Thereafter the case was heard on merit.

7. Admittedly, Hari Bhuiya was appointed as Miner/Loader in Sijua Area and posted at Sendra Bansjora Colliery in March 1981. In 1984 he was transferred to Nischipur Colliery, also as Miner/Loader and worked there till he was stopped from duty with effect from 22-9-87.

It has been alleged by the management that the name of the concerned workman is actually Ram Prabesh Ram, son of Samchandra Ram of village—Malluanah, P. S. Dav, Dist. Murangabad and that he surreptitiously entered into the service of the management by impersonating Hari Bhuiya, son of Behari Bhuiya of village—Haridih, P.O. Sonardih, Dist. Munghyr during the year 1981. It is the case of the management that in the year 1981 a report was received by the management that the concerned workman was impersonating Hari Bhuiya and was surreptitiously working at Nischipur Colliery in the name of Hari Bhuiya. This report has, however, not been produced by the management either in the domestic enquiry or before this Tribunal.

Anyway, the Superintendent of Nischipur Colliery issued a letter dated 28-8-87 (Ext. M-1) to the concerned workman and other six workmen reporting that they had got employment in Sendra-Bansjora Colliery after impersonating some other persons and all of them were directed to produce certificates with photographs from the appropriate authorities as proof of their genuinity within seven days from the date of receipt of the letter. Then again, the Superintendent of Nischipur Colliery issued a letter dated 5-9-87 (Ext. M-2) to the same set of workmen reporting that they were impersonating some other persons and directed them to submit verification and identification by B.D.O. within seven days from the date of receipt of the letter failing which they would not be allowed to join their duties. There is no evidence on record to indicate that any of the workmen concerned produced the certificate as required by the management. The Superintendent of Nischipur Colliery by letter dated 22-9-87 stopped the concerned workman and four others from duty with a rider that they would be allowed to resume duty after production of genuinity certificate (Ext. M-3). Thereafter the Manager of Nischipur Colliery issued charge-sheet to the concerned workman and ten others. In the chargesheet (Ext. M-4) the particulars of the concerned workman have been described as follows :

"Hari Bhuiya,
Father's name—Bihari Bhuiya,
Village—Haridih, P. O. Sonoh,
P. S. Sonoh, Dist. Munghyr."

The charge-sheet is re-produced hereinbelow :

"It had come to our knowledge that you had got employment at Sendra Bansjora Colliery in 1981 impersonating some other person, and after working in Sendra Bansjora Colliery for more than three years you got transferred to this colliery.

You were directed to submit fresh identification/verification by B.D.O. or by competent authority. But even after expiry of four months you have not submitted the documents in proof of your genuineness.

Above shows that you have committed misconduct under clause 17(1)(O) and (Q) of Model Standing Order applicable to coal mining industry which read as under :

17(1)(O)—giving false information regarding one name, age, father's name, qualification or previous service at the time of employment.

17(1)(Q)—Any breach of the Mines Act, 1952 or any other Act or any rules, regulations or bye-laws thereunder or of any standing orders.

You are therefore directed to submit show cause within 48 hours of the receipt of this Chargesheet why disciplinary action should not be taken against you."

The reply of the concerned workman has not been placed on record.

8. It has been alleged in the charge-sheet that it had come to the knowledge of the management that the concerned workman had got employment at Sendra Bansjora Colliery in 1981 impersonating some other person. It has not been disclosed in the chargesheet that the concerned workman had been impersonating any particular person. That apart it has not been disclosed in the charge-sheet what is source of the knowledge of the management that the concerned work-

man was impersonating some person. At the time of domestic enquiry Birendra Sharma, Presenting Officer, appeared as sole witness for the management. He has disclosed in his statement before the Enquiry Officer that he came to know from the Officer Incharge, Loyabad P. S. that no one by the name of Hari Bhuiya lived in Haridih village and that on showing photograph of Hari Bhuiya by the local Police, the village people told that the photograph was of Ram Prabesh Ram son of Sanichandra Ram of Village—Malluahar, P. S. Dav, Dist. Aurangabad. Essentially on the basis of the statement of Birendra Sharma, the Enquiry Officer held that the concerned workman was impersonating Hari Bhuiya.

9. In order to establish the fact that the concerned workman was impersonating Hari Bhuiya it was bounden duty of the management to prove that there existed a person by the name of Hari Bhuiya. The management has not proved so. Then again it has remained unexplained as to why the Officer Incharge of Loyabad P. S. had to make enquiry as to the identity of the concerned workman. The statement of Shri Sharma reveals that the Police was told by the village people when the photograph allegedly of the concerned workman was shown to them that he was Ram Prabesh Ram son of Sanichandra Ram of Village—Malluahar, P. S. Dav, Dist. Aurangabad. Then again it has remained unexplained as to why the people of village Haridih could know the identity of the concerned workman as Ram Prabesh Ram of village Malluahar, P. S. Dav, Dist. Aurangabad. It must be pointed out here that Hari Bhuiya hails from the village—Haridih, P. S. Sonardih, Dist. Munghyar. There is no evidence on record to indicate that Haridih and Malluahar are contiguous villages. The Officer Incharge of Loyabad P.S. was not examined in domestic enquiry. The photograph of the concerned workman which was allegedly shown to the villagers people by the police was not produced in the domestic enquiry. In the circumstances the evidence of Birendra Sharma must be considered as hearsay evidence which cannot be relied upon at all.

On the other hand, the concerned workman has firmly stated that his name is Hari Bhuiya and that he hails from the village Haridih, P.O. & P. O. Sonoh, Dist. Mungher. In cross-examination he has stated that earlier he used to live at Haridih and now having come to Bansjora he started residing there and employment was given to him on the basis of certificate of B.D.O. and Mukhiya of this place.

10. In my view, there is absolutely no cogent evidence on record to establish the fact that the concerned workman has committed misconduct of impression and sneaked into the service of the management by disclosing any false information with regard to his identity and other particulars. That being so, the report of the Enquiry Officer holding him guilty of impersonation is not sustainable and his dismissal from service on the basis of the report of the Enquiry Officer must also founder on the ground.

11. Accordingly, the following award is rendered—the action of the management of Nichtpur Colliery under Sijua Area of M/s. B.C.C. Ltd. in dismissing Hari Bhuiya from service by letter dated 2-5-1989 is not justified. The order of his dismissal from service is hereby set aside and the management is directed to re-instate him in service with effect from 2-5-1989 and to pay him back wages and other consequential benefits with continuity of service within one month from the date of publication of the award. The concerned workman is directed to report for duty within the time stipulated.

In the circumstances of the case, I award no cost.

This is my award.

S. K. MITRA, Presiding Officer

नई दिल्ली, 12 अगस्त 1992

का.आ. 2350 : --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यूको बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-92 को प्राप्त हुआ था।

[संख्या एन-12012/177/89-डी-2 (ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 12th August, 1992

S.O. 2350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 10-8-1992.

[No. L-12012/177/89-D-2(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Dated, Dhanbad, the 31st July, 1992

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 8 of 1990

PARTIES :

Employers in relation to the management of UCO Bank, Patna and their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. Prasad, State Secretary, United Commercial Bank Employees Association.

On behalf of the employers : Shri K. K. Mukherjee, D.C.O. (Law)

STATE : Bihar.

INDUSTRY : Banking.

Dated, Dhanbad, the 31st July, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/177/89-D-2-A dated, the 14th February, 1990.

SCHEDULE

"Whether the action of the management of UCO Bank in terminating the services of Shri Kishun Pramanai, Ex-Peon, Mukunda Branch, Dhanbad is justified? If not, to what relief is the concerned workman entitled?"

2. The concerned workman Sri Kishun Pramanik has prayed for his reinstatement with full back wages and regularisation of his services plus payment of authorised scale of subordinate staff. The concerned workman claims to have been working in the Bank in subordinate cadre as Peon from 7-11-1985 and he continued as such till the second July, 1987 when he was suddenly stopped from his work without any reason. It was stated that he worked in Mukunda branch of the UCO Bank for a total period of 856 days right from the year 1985 to 1987. He was paid @Rs. 10 every day as daily wages. It was contended through the W.S. that although the concerned workman worked as temporary Peon without any break but the Manager of the Bank forced him on different date to receive payment in different names. The concerned workman having realised the implication lodged a complaint on 15-1-87 with the Dy. Commissioner, Dhanbad who in turn directed the B.D.O. Baliapur through D.L.C. Dhanbad to make enquiry into the matter and report. It is stated that he B.D.O. Baliapur made a spot enquiry on 20-4-87 and submitted his report. The concerned workman after the report of the B.D.O. sent representation to the Chairman-cum-Managing Director of the Bank for his absorption but it was of no use. Ultimately the concerned workman was orally terminated with effect from 3-7-1987 without any notice or notice pay. The concerned workman during this period has been serving water to the members of the staff and also sweeping the Bank premises whenever required. Apart from that he has been taking out ledger and register from the Almirah and in this way he worked as temporary Peon but he was paid @ Rs. 10 per day. It was less than the wages of permanent subordinate staff. The Union raised industrial dispute with ALC(C), Dhanbad which ultimately ended in failure giving rise to the present reference. It was stated that the concerned workman worked for more than 240 days continuously but the Bank did not follow the procedure as contained under Section 25F of the I.D. Act and this failure to follow the mandatory provision of the act has made the termination illegal and unjustified.

3. The management on the other hand has refuted the claim of the concerned workman by filing the W.S. It was stated that the concerned workman was not an employee of the UCO Bank at Mukunda branch and that he was never appointed in subordinate cadre as Peon on 7-11-85. It was further stated that he was not given any letter of appointment by the Bank and that he was never required to sign attendance register like the members of the staff. Shri Pramanik as stated was only a casual workman or daily wage basis. As the contract for his service was for per day work and the same came to end at the end of the day and therefore the question of termination of his service did not arise.

4. It was stated that the concerned workman did not complete 240 days in any calendar year and hence there was no violation of Section 25F of the I.D. Act. It was denied that he was engaged for bringing out ledger and registers from the Almirah rather he was engaged simply to carry drinking water and sweeping the premises if and when required. For that he was

used to be paid @ Rs. 10 per day. It was wrong to suggest that the concerned workman served the total period of 586 days. The management stated that the concerned workman worked for 286 days the break up of which is as follows :—

Year	No. of days paid for
1985	15
1986	127
1987	144
Total 286 days	

It was wrong to suggest that the concerned workman was forced to take payment in different names. Lastly it was contended that the concerned workman is not a workman and therefore his case was not covered under Section 25F of the I.D. Act and therefore he is not entitled to any relief.

5. The question for consideration is whether the concerned workman is entitled for reinstatement and regularisation of his services as subordinate staff of the UCO Bank.

6. The concerned workman was not appointed nor any appointment letter was issued to him but admittedly as stated in para-20 of the W.S. of the management, he was engaged as casual workman on daily wage basis and that he was paid Rs. 10 per day, as per quantum of the work rendered by him. In this way the management wanted to say that the concerned workman was not a whole time worker and hence the payment according to the quantum of the labour put in by him. MW-1 Shri Panchapakesan was manager of the Mukunda branch of UCO. Bank from 25-4-85 to 12-7-85 and he did not appoint the concerned workman. He stated that he had no power to appointment any body. According to him the concerned workman never worked as Peon in Mukunda branch of UCO. Bank. He also stated that the concerned workman and few others used to work as Sweepers, Watchman and Coolie. According to him the concerned workman did not work from 10.30 A.M. to 5.30 P.M. He has proved certain vouchers which are marked Ext. M-11 to M-21 just to show that payment of coolie charges were made to different persons. Through these vouchers the management wanted to impress upon that some other persons besides the concerned workman were also engaged as casual labour and they were paid simply for sweeping and cleaning. These names are like Shri Phatu Bhandari, S. Thakur, Shyam Sunder Pattanayak, Kisun Mahato and Ramesh and others.

7. The concerned workman has to say that he used to rather forced to be paid in different names just to deprive of his future claim for regularisation in the job. He had lodged a complaint before the D.C. Dhanbad and the B.D.O. Baliapur had enquired into the matter and submitted report. The photo copy of the application of the concerned workman to the D.C. Dhanbad is Ext. W-1. Ext W-2 is the memo of the D.D.C. Dhanbad to the B.D.O. Baliapur to enquire into the matter. Ext. W-3 is the report dt. 8-5-87 of of the B.D.O. Baliapur. From the perusal of this document it appears that the B.D.O. had made spot verification on 28-4-87 and he had come to know that he

concerned workman was working in Mukunda branch of UCO Bank as casual labour on daily wage basis since 7-11-85. During the course of enquiry it was revealed that different names were shown against the payment vouchers in reality no such person ever existed. It may be noted that it was a constant case of the concerned workman that he used to be paid rather forced to accept payment in different names. The B.D.O. did not find any such person nor any such person came forward to assert their claims for employment and all these things taken together will be suggestive of the fact that the concerned workman was actually paid in different names. Difficulty the B.D.O. was not examined in this case but his report was not specially challenged and in such view of the matter his evidence before the Tribunal was not very necessary.

8. It is stated on behalf of the management that the concerned workman was not a whole time worker in this connection we may have a glance over Exts. M-1 to M-10. These are also the vouchers and the payment of which was received by the concerned workman. Exts. M-3 and M-4 are the vouchers dt. 14-2-87 in the name of the concerned workman. This means that the concerned workman received two payment through different vouchers. Exts. M-3 is for Rs. 15 towards sweeping charges, Ext. M-4 is for Rs. 10 as coolie charges. This means that day the concerned workman worked both as sweeper as coolie and he was paid the total amount of Rs. 75. I do not think that both the work could have been done within a few hours and this will show that he worked for the whole day. Similarly is the case with regards to Exts. M-6 and M-7 and Exts. M-9 and Ext. M-10. The concerned workman in his evidence stated that he was a whole time worker and he worked from 10.30 A.M. to 5.30 P.M. He also stated that he used to clean the floor chair and desk also used to take out ledger and Register from the Almirah. However, we have no other evidence except the oral evidence of the concerned workman that he worked as Peon and used to take out ledgers from the Almirah. But from the own admission of the management he was a casual worker engaged on daily wage basis. The management also asserted that he did not complete 240 days on any calendar year there was no violation of Section 25F of the I.D. Act. In the W.S. the management has shown the break up of working days of the concerned workman which comes to only 286 days in 3 years. On the other hand the concerned workman has stated that he worked for 586 days and particularly in the year 1986 he worked for 365 days. However, we have no evidence from the side of the workmen to prove the working days. I think the concerned workman could not have been in a position to prove this fact because the papers are expected with the management. At this stage the learned counsel for the management has drawn my attention towards Ext. W-5 which is an application dated 18-11-89 by the concerned workman to the General Manager, Personnel, UCO Bank, Calcutta for his absorption on permanent basis in the Bank's services. The application is in proforma and under Col H it has been stated that he worked on daily wage basis from 12-10-86 to 300-6-87 i.e. for about 9 months. It was urged that in view of this document the concerned workman cannot be permitted to say that he worked for 240 days in a calendar year and that his

statement that he worked since 7-11-85 fails to the ground like house of cards. Here we may have a look to clause (i) which speaks about any other relevant information. Against this column the concerned workman has noted that he worked since 7-11-85 as temporary Peon. I think such information furnished by the concerned workman through his application Ext. W-5 has got no meaning when the management itself admitted that the concerned workman worked even in the year 1985. At this very stage I may refer to Ext. W-6.

9. Ext. W-6 is the settlement dated 12-10-89 arrived at between the management of the UCO Bank and its workman represented by UCO Bank employees association. I think the settlement must be binding upon the management and the workmen. It has been stated that the Branch Office of the Bank have engaged certain persons on daily wage basis as casual workers continuously for prolonged period notwithstanding the general instructions not to engage such casual workers. It however adds that such engagement was mostly unauthorised and hence would not confer any right for permanent employment. However, in para-1 of the settlement it is stated that the Bank agreed to absorb such of the casual workers who satisfy criteria laid down hereunder as permanent employee in the subordinate cadre by following the procedure laid down under this settlement. The eligibility criteria speaks as follows :—

"2. Eligibility criteria.—(a) Only persons who have been engaged as casual worker for full day's work and who have been discharging any of the normal duties in the Bank in the subordinate cadre as casual workers for a period of 240 days or more with or without interruption during the period of 3 years immediately preceding this settlement. However those who have been engaged as water boy on daily wage would not be eligible for being considered for absorption under this settlement.

(b) For the purpose of computing 20 days, holidays and Sundays in a week would be included if such person has been engaged for the rest of the days in the said work."

10. The eligibility criteria is more than sufficient to show that period of 240 days has to be counted within a span of 3 years time immediately preceding this settlement. It is not that 240 days have to be counted in one calendar year. In this way according to the settlement the period of 3 years will cover right from 12-10-86 to 12-10-89. Now we may turn back to the para-7 of the W.S. filed by the concerned workman wherein the break up of the working days yearwise of the concerned workman has been shown. From the chart shown it will appear that the concerned workman worked for 127 days and 144 days in the year 1986 and 1987 respectively which are more than 240 days. In other words it can be said that the concerned workman worked for more than 240 days within 3 years time immediately preceding this settlement and in that view of the matter he was entitled to be absorbed as permanent employee in subordinate cadre of the Bank.

11. Para-3 sub-clause (1) of the settlement also speaks that persons entitled for being absorbed in terms

AWARD

Central Govt. vide gazette notification No. L-12012/245/83-D.II(A) dated 15th December 1986 issued U/S10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication.

"Whether the action of the State Bank of Patiala in terminating the services of Shri Bikkar Singh, Ex-Peon in its Guraya Branch w.e.f. 15-7-85 is just and legal? If not, to what relief the concerned is entitled and from what date?"

of this settlement shall apply to the competent authority in the prescribed manner on or before 30-11-89. We find that the concerned workman had applied for his absorption in the prescribed proforma (Ext. W-5 dt. 18-11-89). This means that he had filed the application for his absorption within the stipulated period. Ext. W-7 is the circular of the Bank incorporating terms of settlement. From what has been stated as discussed above it is clear that the concerned workman had worked as casual workman in Mukunda Branch of UCO Bank for more than 240 days continuously and as such he should have been issued notice before his retrenchment and should have also been paid necessary compensation. Non-compliance of the provision under Section 25F of the I.D. Act will make the termination illegal and unjustified. In the circumstances of the case Shri Kishun Pramanik the concerned workman is entitled for his reinstatement in the regular pay scale of 4th grade employees as subordinate staff of the UCO Bank and it is ordered accordingly. The management is thus directed to reinstate the concerned workman and regularise his services within one month from the date of publication of the Award. However, in the circumstances of the case there will be no order as to back wages.

B. RAM, Presiding Officer

नई दिल्ली, 10 अगस्त, 1992

का.आ. 2351 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, व श्रम न्यायालय, चण्डीगढ़ के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-अगस्त 1992 को प्राप्त हुआ था।

[संख्या एल-12012/245/86-डी-II (ए)]

सुभाष चन्द शर्मा, डेस्क अधिकारी

S.O. 2351.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, cum Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen which was received by the Central Government on the 7-8-92.

(No. L-12012/245/86-DII(A))

S. C. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 66/86

Bikkar Singh Vs. State Bank of Patiala

For the workman : Shri T. C. Sharma.

For the management : Shri N. K. Zakhmi.

2. Brief facts of the case as set out in the claim statement is that the workman was suspended w.e.f. 1-10-1977 in connection with suspected involvement in fraud of Rs. 13000 and was also dismissed from service by the Bank on 10-9-82 upon conviction by the trial Court. In appeal the conviction was set aside and the petitioner was acquitted by A.D.J. Jalandhar on 4-10-1982 and his dismissal was also set aside by the Bank. It is further alleged that hereafter respdt. management served him a charge sheet on 9-1-1984 and the dismissal order was passed by the disciplinary authority on 15-7-1985. It is further alleged that the charge sheet dated 19-1-1984 contained same grounds which was earlier subject matter of the Court concerning the alleged fraud of 13000. It was further alleged that the reply to the charge sheet was not considered by the appropriate authority. It was further alleged that the disciplinary authority did not consider the matter in accordance with the provisions of law. It was further alleged that the termination of the services of the petitioner was illegal, arbitrary, unconstitutional and against rules and in violation of principle of natural justice, on the ground that the charge sheet dated 9-1-1984 was illegal and against the provisions of law and no suspension order was passed and the petitioner was not given proper opportunity to defend his case. Enquiry report was not based on legal evidence. The alleged misconduct was not connected with duties of the petitioner. It is further alleged that the petitioner never filled the voucher of Rs. 13000 nor posted in the books of the banks and the same was not signed or initialled by him in any capacity and the payment was also not received by him and the respdt. bank had not taken any action against the clerk who had conducted the above said actions. It is further alleged that the management should not have awarded the extreme penalty of termination. It is further alleged that the disciplinary authority did not consider the appeal of the workman properly and the same was dismissed on 11-12-1985 and prayed for reinstatement with full back wages and continuity of service.

3. The respdt. bank contested the reference and filed written statement. In written statement the stand was taken that workman was instrumental in getting the duplicate pass book issued in the account of deceased depositor and with the said duplicate pass book a sum of Rs. 13000 was fraudulently withdrawn from the account of the deceased depositor, thus caused a loss to the Bank. It was further pleaded that it was the finding of the inquiry officer that the petitioner was instrumental in getting

the duplicate pass book issued in the account of the deceased depositor. It is further pleaded that the proper opportunity was given to the petitioner. He submitted his reply to the charge sheet and before final decision was announced the petitioner was given full opportunity by way of show cause notice for which the petitioner had submitted his reply and was also given personal hearing on 8-6-1985 by the disciplinary authority and then the final decision was announced by the disciplinary authority. Other allegations were denied but has admitted criminal proceedings which the petitioner had faced in the criminal trial. It was further pleaded that fair and proper inquiry was conducted by the inquiry officer and the misconduct on the part of the petitioner was prejudice to the interest of the Bank and also referred the contents of the charges which contain two sets of incidents firstly on 5th of September 1977 and other dated 7th of September 1977.

In support of his case the petitioner filed his affidavit Ex. W-1 in which he reiterated the same facts as stated in the claim statement. In cross-examination he has admitted that he had worked with the bank for 12 years. He denied that the application of Harjinder Singh was brought to him. He has stated that he had never issued any duplicate pass book as the same is to be issued on the orders of the manager. He has admitted that the copy of application Ex. M1. He has also admitted that here are his signatures at point A and B upon his application Ex. M2 which is duly signed by him. He has also admitted that this letter was obtained from him under threat. He has admitted that there was a fraud of Rs. 13000 on the basis of duplicate pass book but he can not say how it had happened. He has also stated that he knew that the depositor in whose account the fraud was committed has expired. He has also admitted that inquiry was held but it was not proper. He has his satisfaction. He has admitted in the end that one of the inquiry proceedings but it was not recorded to his satisfaction. He has admitted in the end that one requires Rs. 1000 to maintain the family which he makes up with efforts. He has also produced Shri Harjinder Singh, Accountant Incharge Extension Counter Milk Plant Ludhiana who tendered his affidavit Ex. W2. In cross-examination he has admitted that list of documents were supplied to the workman during the course of the proceedings but these were not complete. He has also admitted that show cause notice and personal hearing was given to the workman.

The management has produced Shri R. D. Sharma as MW1 who tendered his affidavit Ex. M10 and produced in evidence copy of charge sheet Ex. M3, letter dated 16-1-1984 Ex. M4, letter dated 17-4-85 Ex. M5, letter dated 1-5-85, Ex. M6 letter dated 15-7-85 Ex. M7, and Ex. M8 and Ex. M9 the letters. In cross-examination he has admitted that the branch manager had allowed to issue of the pass book. The authority had allowed to withdrawal of Rs. 13000. Respdt. management also produced Shri N. C. Sharma Zonal Manager State Bank of Patiala who filed his affidavit Ex. M13 and produced himself as MW2 and also tendered letter dated 27-12-1984, Ex. M14 letter dated 15-7-1985 Ex. M15. In cross-examination he has admitted that the petitioner was not performing any clerical duties. He has admitted that death

of the depositor was recorded by the supervisor concerned and not by the peon. He has also admitted that duplicate pass book is also issued by the clerk under the order of the supervisor and not by the peon.

4. I have heard the parties and gone through the record.

5. Learned counsel appearing on behalf of the workman in all fairness has not contested the case on merits and has sought the interference of this Court U/S 11-A of the I.D. Act 1947 on ground that the extreme penalty of dismissal has been passed mainly on the incident involved on 7-9-1977 in which an amount of Rs. 13,000 was fraudulently withdrawn from SB Account No. 660 of one Harjinder Singh through the withdrawal form in foreign signatures who had already been murdered about 1 1/2 month ago showing the connivance of the present petitioner in the said withdrawal although there is no evidence of the involvement of the petitioner to the incident related to the date 7-9-1977 or any connivance has been established by way of legal evidence. So far this plea is concerned counsel appearing on behalf of the management has also not shown any evidence on the record which has shown the involvement as well as connivance of the present petitioner to the incident related to the day on 7-9-1977 in which an amount of 13,000 was fraudulently withdrawn. However the plea has been taken by the counsel appearing on behalf of the management that on 5-9-1977 the two days prior to the said fraudulently withdrawal of Rs. 13,000 the petitioner was instrumental in getting the duplicate pass book issued in the name of Harjinder Singh depositor and thus his connivance also established to the incident related to 7-9-1977 when actually the amount was withdrawn. This plea of the respdt. management is meritless. No doubt as apparent from Ex. M2 the application written by the petitioner himself after the incident to the branch manager he has admitted having made certain alteration in the register as well as in the application moved by some body for issuance of the pass book. But this does not leads to the conclusion that the petitioner was also instrumental to the incident incurred on 7-9-1977 after two days in which amount of Rs. 13,000 was fraudulently withdrawn by some body. There is absolutely no direct evidence which involves the petitioner or shows his connivance to the incident dated 7-9-1977. Inquiry officer in his report has also admitted that the fraud of Rs. 13,000 was not committed by the petitioner himself but the same was committed by his connivance although there is no evidence of such connivance. The respdt. management has attributed his connivance only on the presumption since the petitioner was instrumental in getting the duplicate pass book issued of the said account holder. But this presumption can not take a legal proof. Inquiry report has also been refused in which witnesses has categorically stated that there was general feeling in the branch that the fraud was committed by the petitioner and one witness has also stated to the extent that the petitioner has himself not committed the fraud and petitioner was associated and with his connivance the fraud was committed. Although as

discussed above there is no direct evidence to this effect. The disciplinary authority has intermingled both the incident dated 5-9-1977 and 7-9-1977 and awarded the extreme penalty of dismissal without distinguishing the case of the petitioner from first incident dated 5-9-1977 to second incident dated 7-9-1977. Had the disciplinary authority distinguished this then this is certainly not a case of awarding extreme penalty of dismissal because as discussed above there is no evidence which connects the petitioner to the incident relating to 7-9-1977. However on a previous incident of 5-9-1977, when the duplicate pass book was issued no doubt the petitioner himself has admitted in Ex.M2 before the Branch manager of having made some alteration in the register as well as in the application, but that must have done in the innocence without knowing the fact that on the basis of the said duplicate pass book an amount of Rs. 13,000 would have been withdrawn thereafter and the action of the petitioner on 5-9-1977 might have done in a good faith. Otherwise the petitioner was performing the duties of peon and has got nothing to do with the issuance of the pass book. Mr. N. C. Sharma Zonal Manager in his evidence as admitted that the petitioner was not performing any clerical duties. He has also admitted that the death of the depositor was to be recorded by the supervisor concerned and not by the peon. He has also admitted that duplicate pass book was also issued by the clerk on the orders of the supervisor & not by the peon, Shri R. D. Sharma has admitted in his cross-examination that branch manager had allowed to issue the pass book. This itself establish that the petitioner has nothing to do for the purpose of issuance of the pass book. But at the same time as discussed above in Ex.M2 he has made certain alteration in the application as well as in the register which ultimately resulted in issuing a duplicate pass book to the wrong hands. But at the same time the facture of death of the depositor could also be ascertained by the other staff who during the course had ordered for issuance of the duplicate pass book. Therefore, the proved misconduct of the petitioner relates to the incident of dated 5-9-1977 which has been proved in Ex.M2 does not merit punishment by way of dismissal. It can, under such circumstances, award to the petitioner only lesser punishment instead.

It has also been pointed out by the learned counsel appearing on behalf of the workman with regard to the acquittal of the petitioner in criminal court in appeal also points its finger towards his innocence. This is also borne in the mind that the proved misconduct the petitioner has committed relates to incident dated 5-9-1977 with regard to the making some alteration in the application as well as in the register was his solitary misconduct during his whole service. There is no evidence placed by the management on the record to show any earlier instance also the petitioner has committed any such like irregularities or misconduct. Further, the petitioner has already suffered the agony of long trial for number of years. This is also not forgotten that the Act is beneficial piece of legislation enacted in the interest of the employees. In construing the provisions of a welfare legislation, Courts should adopt 2102 GI/92-6.

a beneficial rule of construction. If two constructions are reasonably possible, the construction which further the policy and object of the Act and is more beneficial to the employees, has to be preferred. Further the object of the Act is to safeguard the service conditions of the employees. It therefore, demands a liberal interpretation.

In view of the discussions made in the earlier paras the present case certainly deserve interference U/s 11-A of the I.D. Act 1947 and this Court thus therefore, set aside the punishment of dismissal and orders for his reinstatement with continuity of service and his punishment is substituted by stoppage of two increments. The said stoppage of two increments shall have cumulative effect. Further the petitioner shall not entitle to have any back wages because on his own admission in the end of his cross-examination he was earning Rs. 1,000 per month. With this modification in punishment the award is returned accordingly.

Chandigarh.

Announced subject to approval by the Govt. of India, Ministry of Labour.

18-5-1992.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 11 अगस्त, 1992

का.आ. 2352 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय ऐरनाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-92 को प्राप्त हुआ था।

[संख्या एल-12012/291/89-आईआर (बी-III)]

सुभाष चन्द शर्मा, डैस्क अधिकारी

New Delhi, 11th August, 1992

S.O. 2352.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Ernakulam, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on the 10-8-92.

(No. I-12012/291/98IR(BIII3

S. C. SHARMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Tuesday the 28th day of July, 1992)

PRESENT :

Shri M. V. Viswanathan, B. Sc., LL.B., Presiding Officer.

Industrial Dispute No. 2 of 1990 (C)

BETWEEN :

The Regional Manager, State Bank of India,
Zonal Office Ernakulam, Cochin—682 016

AND

The State Secretary, State Bank Staff Union,
C/o State Bank of India, Regional Office
P. B. No. 2712, Cochin - 31.

REPRESENTATIONS :

M/s B. S. Krishnan & Associates,
Advocates, Ernakulam. ... For Management.
M/s M. Ramachandran & P.V. Abraham,
Advocates, Cochin - 17. ... For Union.

AWARD

This Industrial Dispute was referred by the Government of India, Ministry of Labour as per the order No. L-12012/2/291/89-IRB.II dated 6-2-1992. The issue for consideration is "whether the action of the management of State Bank of India, Regional Office, Ernakulam, imposing punishment of stoppage of 2 increments with cumulative effect from the date of next increment was due to Shri K. Rajakurup, Clerk in the Tellichery Branch. State Bank of India vide order dated 15-4-1986 is just and proper? If not, to what relief the workman concerned is entitled to?"

II. The punishment of stoppage of 2 increments with cumulative effect was imposed by the management after conducting a domestic enquiry. The validity of the domestic enquiry was upheld by this court by virtue of the preliminary order dated 7-7-1992. The said preliminary order is extracted hereunder as necessary facts for the disposal of the case have narrated therein.

ORDER

The workman Shri K. Rajakurup was working as a Clerk in the Tellichery Branch of State Bank of India. Disciplinary proceedings in paragraph 521 of the Sastri Award read with paragraph 18-28 of the Desai Award was initiated by the management against the delinquent employee, K. Rajakurup. The chargesheet dated 22nd September, 1984 was given to the employee. It reads as follows.

3. It is reported against you that you have misbehaved with the inspecting official from the Reserve Bank of India on 11-9-1984 and questioned his authority and integrity as under :—

—Regional Language—

You have used the word "Regional Language" freely and repeatedly in a loud voice.

2. It is also reported that you have questioned the procedure such as clip-counting followed by Reserve Bank of India officials.

3. Your above acts, if proved, would amount to gross misconduct in terms of paragraph 521 (4) (c) of the Sastri Award read with paragraph 18-28 of the Sastri Award read with paragraph 18.23 of the Desai Award viz. riotous, disorderly or indecent behaviours in the premises of the Bank and also gross misconduct in terms of paragraph 521 (4) (j) of the Sastri Award read with paragraph 18.28 of the Desai Award viz. doing acts prejudicial to the interests of the Bank, as you have tarnished the image of the Bank, as explained above in the eyes of the official from Reserve Bank of India.

The delinquent employee submitted his explanations denying the charges alleged against him. The management bank was not satisfied with the explanations given by the employee and so domestic enquiry was ordered. An enquiry officer was appointed to conduct the enquiry. He found the delinquent employee guilty of the first charge. On the basis of the findings in the domestic enquiry a punishment of stoppage of three increments with cumulative effect was inflicted by the management after hearing the employee. The employee then preferred an appeal. The Appellate Authority reduced the punishment to the stoppage of two increments. The union representing the employee raised an industrial dispute and so the dispute was referred to this Court.

2. The union submitted a claim statement containing mainly as follows :—

Shri K. Rajakurup was functioning as branch secretary of the staff union. On his capacity as a branch secretary he has represented to the grievances of all other employees of the branch to the local management. The union had to give a call for agitation at circle level during 1983 and there was settlement in February, 1984. The chargesheet was issued as an act of revengeful victimisation. The domestic enquiry was violative of the principle of natural justice. The workman was not allowed to ask certain pertinent questions in the cross examination. The enquiry officer did not allow the important documents mentioned by defence representative to be called for and taken as documentary evidence. The enquiry officer has discarded the defence evidence. The Enquiry Officer has not properly assessed the evidence on record. The findings of the enquiry officer are perverse. There was no incident of riotous or disorderly behaviour from the employee. The enquiry officer had noted that the behaviour of the Reserve Bank of India official was quite domineering and abrasive. The workman Shri Rajakurup was victimised by Reserve Bank of India official. The officers of the State Bank for obvious reasons, choice to approve the action of the Reserve Bank of India staff. The punishment imposed is excessive at any rate. The alleged action did not amount to misconduct. Hence the workman prayed for quashing the punishment imposed by holding that the disciplinary action was motivated and ill advised.

3 The management filed a written statement containing mainly as follows :—

The workman Shri K. Rajakurup was chargesheeted for misbehaving with the inspecting official from the

Reserve Bank of India on 11-9-1984 at the branch and questioning his authority and integrity and questioning the procedures such a clip counting system followed by Reserve Bank of India. The management was acting upon specific complaint of the Reserve Bank of India official. There is no victimisation as alleged. The said contention of victimisation is false and devoid of any merit. The Management dated bona fide on the basis of occurrence on 11-9-1984. The workman is not entitled to any immunity to any disciplinary action for his misconduct. There is no connection or relationship between his union activities and the present disciplinary action. The enquiry officer has complied with all the principles of natural justice. Every opportunity enquiry officer has appreciated the evidence on record in coming to his conclusion. He has stated his reasons for rejecting the defence evidence. Section 11(A) of Industrial Disputes Act is not attracted to the present proceedings. The misconducts alleged against the workman have been proved. The punishment inflicted is proportionate and fair. Hence management prayed for upholding the action taken by the management.

4. The contentions raised by the Union and the management would show that the validity of the domestic enquiry has to be considered as a preliminary issue. Hence this court is pleased to consider the preliminary issue "Whether the domestic enquiry conducted in this case is valid and proper".

5. Before this court the enquiry officer was examined as MW1 and the enquiry file containing the entire enquiry proceedings with the enquiry report was marked as Ext. M1. No evidence was adduced from the side of the union.

6. The Point : The workman in this case was working as a clerk in the Tellichery branch of the management bank. The allegations is that he misbehaved with the inspecting official from Reserve Bank of India on 11-9-1994 and that he questioned the procedure adopted by the Reserve Bank officials. It is an admitted fact that the charges were framed against the accused and he was served with those charges. He submitted his explanation denying all the charges levelled against him. A manager of the management bank was appointed as the enquiry officer to conduct domestic enquiry. Before the enquiry officer the workman was represented by the Secretary of his union. For the management there was a presenting officer. Before the enquiry officer four witnesses were examined on the management side and three documents were marked on their side. On the defence side four witnesses were examined and five documents were marked. The delinquent workman was also examined as a defence witness. Thus it can be seen that the delinquent workman was represented by the secretary of his union. Both the workman and his representative actively participated in the domestic enquiry proceedings. Thus the workman was given opportunities to defend allegations levelled against him. So in that respect the enquiry was fair and proper.

7. The workman was given the list of the management witnesses. He was also given the opportunity to peruse the documents produced from the management side and relied on by the enquiry officer. The

workman has raised a contention before the enquiry officer regarding the failure to call for two documents which the workman intended to peruse. The enquiry report would show that the request to introduce two documents was declined. The said two documents are—1. Preliminary investigation report on the incident. 2. Complaint letter by branch manager reporting the incident. But it is to be noted that these two documents were not produced by the management in support of the case regarding alleged misconduct on the part of the workman. It is further to be noted that the enquiry officer has not relied on the above said documents. The findings and conclusions of the enquiry are based on the documents available on record. So the non-production of those two documents will not in any way affect the validity of the enquiry. More over the workman has not established how the non-production of those documents prejudiced him materially and substantially. The workman or the union has not adduced any evidence to show the non-production of those two documents has prejudiced the workman materially and substantially. It is now settled that while considering the validity of domestic enquiry the labour court or the industrial tribunal need only consider the evidence which was relied on by the enquiry officer. So the said contention of the workman regarding the non-production of the said two documents cannot be upheld. That ground is not sufficient to hold the enquiry as vitiated.

8. Another objection raised by the union is regarding the conduct of the enquiry officer in restricting the questions put to the witness in cross examinations. The enquiry officer as MW1 has categorically deposed before this court that he restricted irrelevant and unnecessary questions. The enquiry report would also reveal the fact that the enquiry officer prevented both sides going on fishing expeditions. The said action of the enquiry officer cannot be treated as unjust or improper. It is to be noted that the enquiry officer has the authority to disallow irrelevant and unnecessary questions. It is to be noted that he prevented both sides from putting irrelevant questions. It is further to be noted that the workman has not succeeded in establishing prejudice in preventing some questions. It is not pleaded specifically that such and such questions were not allowed to be put to the witnesses and it materially prejudiced the workman. In the absence of any such cogent evidence and circumstances, it is revealed the fact the enquiry officer prevented both sides from putting irrelevant questions. It is hard to accept that case also of the workman that it has prejudiced him. Thus in all other aspects the procedures adopted by the enquiry officer in conducting the domestic enquiry officer has complied with the principles of natural justice. There is no violation of the principles of natural justice in the present enquiry..

9. The enquiry officer relied on the oral testimony as PW1 to PW4. The enquiry officer correctly appreciated the evidence given by PW1 to PW4. All of them have categorically deposed in respect of the alleged misconduct that the workman misbehaved with the inspecting official from the Reserve Bank of India on 11-9-1984 and questioned his authority and integrity. Thus the evidence of PWs 1 to 4 is sufficient to hold that the delinquent workman was guilty of the first charge. The enquiry officer concluded that the evidence on record is not sufficient to hold the work-

man guilty of the second charge. The enquiry officer has given sufficient reasons for discarding the evidence given by the defence witnesses. There is nothing perverse in the assessment of evidence by the enquiry Officer. This it can very safely be concluded that the findings of the enquiry officer are based on legal evidence. So the findings and conclusions of the enquiry officer are just and proper.

10. The case of the union that there is victimisation cannot be accepted without any cogent evidence. The mere fact that the workman is an office bearer of the union is not a ground to hold that the disciplinary proceedings initiated against him is for the purpose of victimisation. On the other hand the materials on record would show that the management initiated disciplinary proceedings against the workman only on sufficient ground. The evidence on record would also reveal the fact that the workman is guilty of misconduct as alleged in the first charge. So the contention of victimisation cannot be upheld. Thus in all respects enquiry proceedings and findings thereon are perfectly valid and sustainable. The point is answered accordingly.

11. In the result, enquiry is held as valid and proper. There is no ground to set aside the domestic enquiry and the findings thereon."

III. This court has found the domestic enquiry as proper and valid. Then the only question remaining for consideration is whether the workman is entitled to any relief in the matter of punishment. But it is to be noted that the punishment imposed in this case is only a minor punishment of stoppage 2 increments with cumulative effect. This, it is crystal clear that the provisions of section 11A of the I.D. Act cannot be invoked. So the punishment imposed by the management has to be accepted as just and proper. I did not find any ground to interfere with the said order of punishment passed by the management. Hence, I hold that the punishment imposed on the employee is sustainable. In the result an award is passed accordingly.

Ernakulam,
28-7-1992.

APPENDIX

Witness examined on the side of Management :

M. V. Shri K. Rajagopalan.

Exhibits marked on the side of Management :

Ext. M1. Enquiry file containing proceedings, reports and other connected papers.

M. V. VISWANATHAN, Presiding Officer

नई दिल्ली, 12 अगस्त, 1992

का.आ. 2353 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबन्धन के संबंध निजीजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता

के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-92 को प्राप्त हुआ था।

[संख्या एल-12012/95/85-डी-4 (ए)]

सुभाष चन्द शर्मा, डेस्क अधिकारी

New Delhi, the 12th August, 1992

S.O. 2353.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Standard-Chartered Bank and their workmen, which has received by the Central Government on the 11-8-1992.

[No. L-12012/95/85-IV(A)]

S. C. SHARMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 37 of 1986

PARTIES :

Employer in relation to the management of Standard Chartered Bank, Calcutta

AND

Their Workmen.

PRESENT :

Mr. Justice Manash Nath Roy—Presiding Officer.

APPEARANCE :

On behalf of management—None.

On behalf of workmen—None.

STATE : West Bengal. INDUSTRY : Banking.

AWARD

By Order No. L-12012(95)/85/D-IV(A), dated 3-4-1986, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Standard Chartered Bank, 4, Netaji Subhash Road, Calcutta-I is not giving the officiating post of Jamadar to Shri Kishan Dutt Singh, Subordinate Staff consequent upon the retirement of Shri Ramgulum Singh, Jamadar, with effect from 1-1-1985 is justified? If not, to what relief is the workman concerned entitled?"

2. Even at the second call today, none appears for the either side.

3. It appears from the records that inspite of repeated attempts to serve the notice on the Union at the given address, service could not be effected. As such I direct to close the file and reject the reference.

This is my Award.

Calcutta,

Dated, the 27th July, 1992.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 12 अगस्त, 1992

का. आ. 2354.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 खण्ड (क) के उप खण्ड (i) के अनुसरण में उस उप खण्ड के प्रयोजनार्थ भारत सरकार परमाणु ऊर्जा के विनिर्माण अथवा उत्पादन में कार्यरत नियंत्रित उद्योग, जो कि परमाणु ऊर्जा अधिनियम 1962 की धारा 3 के अनुसार केन्द्रीय सरकार द्वारा नियंत्रित है, को एतद्वारा विनिर्दिष्ट करती है।

[फाइल सं. एस-11011/1/91-आई. आर. (पी. एल.)]

लाल फाक जुआला, संयुक्त सचिव

New Delhi, the 12th August, 1992

S.O. 2354.—In pursuance of sub-clause (i) of clause (a) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies, for the purposes of that sub-clause, the controlled industry engaged in the manufacturing or production of Atomic Energy which is controlled by the Central Government under section 3 of the Atomic Energy Act, 1962.

[F. No. S-11011/1/92-I.R.(PL-3)]

LALFAK ZUALA, Jt. Secy.

नई दिल्ली, 14 अगस्त, 1992

का. आ. 2355.—रूपा पत्थर और डोलोमाइट खान श्रम कल्याण निधि नियम 1973 के नियम 3 के उप नियम (2) के उप खंड (क) के साथ पठित चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार गुजरात राज्य के लिए निम्नलिखित सदस्यों वाली सलाहकार समिति का गठन करती है अर्थात्:—

1. श्रम मंत्री

गुजरात सरकार
गांधीनगर

अध्यक्ष

2. कल्याण आयुक्त
भीलवाड़ा

उपाध्यक्ष
(पदेन)

3. क्षेत्रीय श्रम आयुक्त (के.)
अहमदाबाद

केन्द्रीय सरकार
के प्रतिनिधि

4. श्री बाबर भाई अम्बालाल ताडवी
विधान सभा सदस्य
पो.—सानखेड़ा,
जिला—बड़ोदरा

विधान सभा
के प्रतिनिधि

5. श्री बेचारभाई लालभाई पटेल,
प्रोपराइटर,
स्वास्तिक लाइम इंडस्ट्रीज
छादोतर, पालनपुर (बनासकंठा)

नियोक्ताओं के
प्रतिनिधि

6. श्री जी. पी. एस. कूर,
वरिष्ठ प्रबंधक,
सौराष्ट्र केमिकल्स,
पोरबंदर (जूनागढ़)

7. श्री देवेन्द्र भाई के. आचार्य,
महासचिव,
श्रमजीवी जनरल वर्कर्स यूनियन,
ब्रिज इंड, पालनपुर (बनासकंठा)

कर्मचारियों के
प्रतिनिधि

8. श्री छत्रसिंह के. सोकरवाड़,
कोषाध्यक्ष,
श्रमजीवी जनरल वर्कर्स यूनियन,
ब्रिज इंड, पालनपुर (बनासकंठा)

9. श्रीमती सविता बेन प्रफुल्लभाई बरोड,
महासचिव
श्रमजीवी जनरल वर्कर्स यूनियन,
ब्रिज इंड, पालनपुर (बनासकंठा)

महिला प्रतिनिधि

10. कल्याण प्रशासक,
अहमदाबाद

सचिव

केन्द्रीय सरकार एतद्वारा उक्त सलाहकार समिति का मुख्यालय अहमदाबाद निर्धारित करती है।

[सं. यू-19012/11/90-डब्ल्यू-II (सी.)]

वी. डी. नागर, अवर सचिव

New Delhi, the 14th August, 1992

S.O. 2355 :—In exercise of the powers conferred by section 6 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972), read with sub-clause (a) of sub-rule (2) of rule 3 of the Limestone and Dolomite Mines Labour Welfare Fund Rules, 1973, the Central Government hereby constitutes the Advisory Committee, consisting of the following members, for the State of Gujarat, namely:

- | | |
|--|--|
| 1. Labour Minister,
Government of Gujarat,
Gandhinagar. | Chairman |
| 2. Welfare Commissioner,
Bhilwara. | Vice-Chairman (ex-officio) |
| 3. Regional Labour Commissioner,
(Central), Ahmedabad. | Central Govt. Representative |
| 4. Shri Baberbhai Ambalal Tadvī, M.L.A.,
P.O. Sankheda,
Distt. Vadodara. | Legislative Assembly
Representative |
| 5. Shri Barchbhai Lalabhai Patel, Proprietor,
Swastik Lime Industries
Chadotar, Palanpur (Banaskantha). | Employers' Representatives |
| 6. Shri G.P.S. Kapoor,
Senior Manager,
Saurashtra Chemicals,
Porbandar (Junagadh). | |
| 7. Shri Devendrabhai K. Acharya,
General Secretary,
Shramjivi General Workers Union,
Bridge End, Palanpur (Banaskantha). | Workers' Representatives |
| 8. Shri Chhatrasinh K. Sikarvad, Treasurer,
Shramjivi General Workers Union,
Bridge End, Palanpur (Banaskantha). | |
| 9. Smt. Srivitaben Prafulbhai Barod, General Secretary,
Shramjivi General Workers Union,
Bridge End, Palanpur (Banaskantha). | Women Representative |
| 10. Welfare Administrator,
Ahmedabad. | Secretary |

The Central Government hereby fixes Ahmedabad to be the headquarters of the said Advisory Committee.

[No. U-19012/11/90-W.II(C)]

V. D. NAGAR, Under Secy.

नई दिल्ली, 18 अगस्त, 1992

का. आ. 2356.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्रम ब्यूरो कार्यालय चंडीगढ़ में नियुक्त सहायक निदेशक श्री सुनील चौधरी को 3 व 4 अगस्त, 1992 के लिए उत्प्रवासी संरक्षी, चंडीगढ़ के कार्यालय में उत्प्रवासी संरक्षी, चंडीगढ़ के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[संख्या ए-22012/1/92-उत्प्रवास]

आर. के. गुप्ता, अवसर सचिव

New Delhi, the 18th August, 1992

S.O. 2356.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Sunil Choudhary, Assistant Director in the office of Labour Bureau, Chandigarh to perform all functions of the Protector of Emigrants, Chandigarh in the Office of Protector of Emigrants, Chandigarh on 3rd and 4th August, 1992.

[F. No. A-22012/1/92-Emig.]

R. K. GUPTA, Under Secy.

नई दिल्ली, 18 अगस्त, 1992

का. आ. 2357.—उत्प्रवासी अधिनियम एवं प्रकीर्ण उपबंध-प्रधिनियम, 1952 (1952 का 19) की धारा 2

के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करा हुए, केन्द्रीय सरकार एनडिआर आर 5(क) के अन्तर्गत अधिनियम 1952 का प्रयोग करते हुए, 3 जुलाई, 1990 को भारत के राजपत्र, प्रकाशना के भाग II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित भारत सरकार, श्रम मन्त्रालय की अधिसूचना सं. का. आ. 533(ई), दिनांक 29 जून, 1990 में एनडिआर निम्नलिखित संशोधन करती है, अर्थात्:—

[संख्या आर.—11013/2/90-एस. एस.-II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 18th August, 1992

S.O. 2357.—In exercise of the powers conferred by clause (aa) of Section 2 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby authorises the Assistant Provident Fund Commissioners of the Board of Trustees constituted under Section 5(a) to exercise the powers of an authorised officer under the said Act on and from the 1st day of August, 1992, in relation to all establishments covered under the provisions of the said Act.

[No. R-11013/2/90-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 18 अगस्त, 1992

का. आ. 2358.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपाय अधिनियम, 1952 (1952 का 19) की धारा 2 के खण्ड (के बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 3 जुलाई, 1990 को भारत के राजपत्र, प्रकाशना के भाग II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित भारत सरकार, श्रम मन्त्रालय की अधिसूचना सं. का. आ. 533(ई), दिनांक 29 जून, 1990 में एनडिआर निम्नलिखित संशोधन करती है, अर्थात्:—

- (i) उक्त अधिसूचना की अनुसूची में कालम (2) के क्रम संख्या 2 के सामने की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

“श्री डी. के. भट्टाचार्य,
सहायक भविष्य निधि आयुक्त,
पटना”

- (ii) कालम (2) के क्रम सं. 10 के सामने की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

“श्री जी. पी. रामैया,
क्षेत्रीय भविष्य निधि आयुक्त,
बनारस”

- (iii) कालम (2) के क्रम संख्या 11 के सामने की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

“श्री के. सी. राय,
सहायक भविष्य निधि आयुक्त,
उत्तर पूर्वी क्षेत्र”

- (iv) कालम (2) के क्रम संख्या 12 के सामने की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

“श्री डी. आर. बत्रा,
सहायक भविष्य निधि आयुक्त,
पंजाब”

- (v) कालम (2) के क्रम संख्या 14 के सामने की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

“श्री यू. सी. तिवारी,
क्षेत्रीय भविष्य निधि आयुक्त,
जयपुर”

[संख्या आर.—11013(1)/90-एस. एस.—II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 18th August, 1992

S.O. 2358.—In exercise of the powers conferred by Clause (kb) of section 2 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the Notification of the Government of India, Ministry of Labour No. S.O. 533(E) dated the 29th June, 1990, published in Part II, Section 3, sub-section (ii) of the Gazette of India, Extraordinary dated the 3rd July, 1990, namely:—

In the Schedule to the said notification,—

- (i) against serial No. 2 for the entry under column (2), the following shall be substituted, namely:—

“Shri D. K. Bhattacharya, Assistant Provident Fund Commissioner, PATNA.”

- (ii) against serial No. 10 for the entry under column (2), the following shall be substituted, namely:—

“Shri V. P. Ramiya, Regional Provident Fund Commissioner, BOMBAY.”

- (iii) against serial No. 11 for the entry under column (2), the following shall be substituted, namely:—

“Shri K. C. Roy, Assistant Provident Fund Commissioner, NORTHERN EASTERN REGION.”

- (iv) against serial No. 12 for the entry under column (2), the following shall be substituted, namely :—

“Shri D. R. Batra, Assistant Provident Fund Commissioner, PUNJAB.”

- (v) against serial No. 14 for the entry under column (2), the following shall be substituted, namely :—

“Shri U. C. Tiwari, Regional Provident Fund Commissioner, JAIPUR.”

[No. R-11013/2/90-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 18 अगस्त, 1992

का. आ. 2359 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. का कुसुण्डा क्षेत्र में 6 की ईस्ट बासुरिया कोलियरी के प्रबंध-तंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-92 को प्राप्त हुआ था।

[संख्या एल-20012(169)/85-डी-3 (ए)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 18th August, 1992

S.O. 2359.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of East Basuriya Colliery in Kusunda Area No. VI of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 10-8-92.

[No. L-20012(169)/85.D.III(A)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 66 OF 1986

PARTIES :

Employers in relation to the management of East Basuria Colliery in Kusunda Area No. VI of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee, Secretary, B.C.K.U.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated, the 30th July, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/169/85-D.III(A), dated, the 23rd January, 1986.

SCHEDULE

“Whether the action of the management of East Basuria Colliery of Kusunda Area No. VI of M/s. Bharat Coking Coal Limited in removing Shri Salga Manjhi, permanent Loader from the rolls of the company and placing him on Badli list is justified? If not, to what relief the workman is entitled?”

2. The present reference was pending disposal since 1986 and lastly on the last date Shri B. Joshi, Advocate on behalf of the management filed a petition that the concerned workman has already been given employment and has been made permanent. Accordingly he prayed that a ‘No dispute’ Award should be passed. Shri D. Mukherjee for the workman has no objection and he has already signed on the petition filed by the management. In the circumstances, ‘No dispute’ Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 18 अगस्त, 1992

का. आ. 2360 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स कोकिंग कोल लि. की वास्ताकोला कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-92 को प्राप्त हुआ था।

[संख्या एल-24012(185)/87-डी.-4 (बी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 18th August, 1992

S.O. 2360.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bastacolla Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 10-8-92.

[No. L-24012(185)|87.D.IV(3)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947
REFERENCE NO. 58 OF 1988

PARTIES :

Employers in relation to the management of Bastacolla Colliery of M/s. Bharat Coking Coal Ltd. and their workman.

APPEARANCES :

On behalf of the employers : Shri B. Joshi, Advocate.

On behalf of the workmen : None.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 31st July, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(185)|87.D.IV(B), dated, the 26th February, 1988.

SCHEDULE

"Whether the demand of United Coal Workers Union to regularise Sri Janki Mistry, Purnp Khalasi as Clerk Gr. III in Bastacolla Colliery of Bastacolla Area No. IX of M/s. B.C.C. Ltd. is justified? If so, to what relief the workman concerned is entitled?"

2. This reference is pending disposal since 1988 & lastly on 29-6-92 a petition was filed by Shri B. Joshi, Adv. on behalf of the management stating therein that a matter involving the same issue was referred to the CGIT No. 1 Dhanbad & the case was registered there as Ref. No. 153/88. The above dispute

was settled and an Award was passed in terms of the settlement by the said CGIT No. 1, Dhanbad. In the circumstances, a 'No dispute' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 18 अगस्त, 1992

का. आ. 2361 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सेन्ट्रल कोलफील्ड्स लि. का कथारा ज़ोन के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध से निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-92 को प्राप्त हुआ था।

[संख्या एल-24012(144)/86-डी-4(बी)]

के. बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 18th August, 1992

S.O. 2361.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kathara Zone of Central Coalfields Ltd. and their workmen, which was received by the Central Government on the 10th August, 1992.

[No. L-24012(144)|86-D.IV(B)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 187 of 1987

PARTIES :

Employers in relation to the management of Kathara Zone of Central Coalfields Limited, P.O. Kathara, Distt. Giridih and their workmen.

APPEARANCES :

On the behalf of the workmen.—Shri J. D. Lall, Advocate.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 30th July, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/144/86-D IV(B) dated, the 23rd April, 1987.

SCHEDULE

“Whether the action of the Management of Kathara Zone of Central Coalfields Limited, P.O. Kathara, Distt. Giridih in denying promotion to Sri S. K. P. Singh and 10 others (listed below) Storekeepers to the post of Senior Storekeepers when they have put in more than 8 to 11 years service continuously is legal and justified? If not, to what relief the concerned workmen are entitled?”

Kathara Colliery		
1.	Shri SKP Singh	11 years
2.	Shri Ramadhar Singh	6 years
Jarangdih Colliery		
1.	Shri N. K. Dubey	11 years
Gobindpur Project		
1.	Shri E. A. Kumar	11 years
Regional Stores (KTA), Kathara		
1.	Shri S. N. Tiwary	11 years
2.	Shri B. C. Samal	8 years
3.	Shri Gobind Prasad	8 years
Kathara Washery		
1.	Shri U. N. Prasad	8 years
2.	Shri R. R. Mehta	8 years
Regional Repair Shop, Jarangdih		
1.	Shri P. N. Tiwary	11 years
Piperadih Colliery		
1.	Shri D. S. Rai	8 years

2. All the 11 concerned workmen claim to have been working as Storekeeper in different stores under Kathara Zone for the last 8 to 11 years with good records to their credit. But the management did not promote them to the post of Senior Store Keeper although each store has to be manned by a Senior Storekeeper. In the W.S. a chart has been framed showing the existing vacancies of Senior Storekeeper. Although 13 vacancies of Senior Storekeeper as per chart are existing in different stores but the management did not care to take any step to fill up those vacancies which shows mala fide intention of the management.

3. It is stated that as per the cadre scheme provided under the stores manual a storekeeper who has put in 3 years of continuous service on the post of storekeeper is eligible for promotion to the post of Senior Storekeeper but the concerned workmen have been denied the same although they fulfilled the requisite qualification for promotion. The concerned workmen and their union have been filing representation from time to time since 1982 but without any result. In this particular zone of CCL there has been no promotion of the storekeeper for the last 10 years. It was stated that in other zone of the CCL several storekeeper much junior to the concerned workmen have already been promoted to the post of Senior Storekeeper.

4. According to the stores manual which is still in force in CCL the post of Senior Storekeep is non-selective and promotion to such post are made on the basis of seniority provided the candidate is found suitable for the same.

5. The management held D.P.C. meeting for promotion of the concerned workmen on 12-3-1986 but the result and promotion order could not be issued for the reasons best known to the management. The concerned workmen have thus prayed that the management be directed to give promotion to the concerned workmen along with other benefits with retrospective effect.

6. The management has denied the claim of the concerned workmen and it was stated that in the matter of promotion the management has got its own say. It is for the management to determine as to whether and how many staff will work on which post. It was submitted through the W.S. that at all relevant time the Kathara area including all its units had adequate stores staff of different categories and as and when vacancies arose they were duly filled up according to the procedure.

7. The stores manual has laid down the conditions of eligibility of stores personnel for consideration for selection and promotion to the higher post but they have since been replaced by the Implementation Instruction issued by the JBCCI vide Implementation Instruction No. 40 dated 5-12-1984. It was further stated that there is no provision at all in the promotion rules of the management or any other instruction of the JBCCI that the employees of any store should be promoted on the basis of length of service. It was further contended that NCWA arrived at by JBCCI and the Implementation instruction issued by JBCCI are binding on all the workmen in Coal Industry and as per instruction the store keeper are to be selected and promoted on the basis of merit-cum-seniority. On these grounds it has been urged that the concerned workmen have no case and their claims should not be allowed.

8. While giving parawise reply of the W.S. of the concerned workmen it was stated that the three posts of Senior Storekeeper fell vacant in 1986 and the management took action to constitute D.P.C. and the steps were taken to make selection. It was lastly submitted that the post of Senior Storekeeper in each area are filled up on the basis of merit-cum-seniority and not on the basis of seniority alone as contended

by the concerned workmen. The D.P.C. meeting was held in normal course but the candidates called for interview did not appear and hence the matter could not be finalised. It has been prayed that the demand of the concerned workmen should be rejected

9. The point for consideration in this reference would be whether the concerned workmen are entitled for promotion to the post of Senior Storekeeper by virtue of their continuous service as Storekeeper in Kathara Zone for 8 to 11 years.

10. The schedule of the reference speaks that they should be promoted because they have already served as Storekeeper for 8 to 11 years as shown against their names. In the W.S. also it is stated that as per cadre scheme provided under the Stores manual a storekeeper who has put in of 3 years of continuous service is eligible for promotion to the post of Senior Storekeeper. In para 9 of the W.S. it has been stated that the post upto the Senior Storekeeper is non-selective and promotion to such posts are made on the basis of seniority, provided the candidate is found suitable for the post. In this way according to the union seniority is the main criteria for selection of the candidate for the post of Senior Storekeeper. The union has got proved the photo copy of the Cadre scheme (Ext. W-3) which provides that the promotion to the post of Senior Storekeeper will be made by the head of the department on the recommendation of the D.P.C. from amongst the employees of Grade-III available in particular zone provided they have completed not less than 3 years service in Grade-III. Definitely the cadre scheme does not speak even a word about the merit. Shri P.N. Tewary while deposing as WW-1 stated that they never demanded that each and everybody should be promoted to the post of Senior Storekeeper. He further stated that they had demanded before the ALC(C) that all the existing vacancies of Senior Storekeeper should be filled up. According to him the demand is the same even in the present reference. Even during the course of argument it was submitted that all the existing vacancies of Senior Storekeeper should be filled up from amongst the concerned workmen who have been doing as storekeeper for the last several years.

11. The management does not deny the store manual and its provision but it is stated that the conditions of eligibility as provided in the Stores Manual had since been replaced by the Implementation Instruction issued by the JBCCI vide Implementation Instruction No. 40, dated 5-12-84. The photo copy of the cadre scheme (Ext. W-6) provides that the selection for the post upto the Clerical Grade-I shall be on the basis of seniority-cum-merit and for clerical special grade and above on the basis of merit-cum-seniority. It may be noted that the post of Senior Storekeeper is the post of clerical special grade. From this provision it is crystal clear that the merit is the first consideration while giving promotion to the post of Senior Storekeeper. Thus the contention as canvassed by the union that the seniority alone is the criteria for promotion cannot be accepted as correct and true version.

12. WW-1 has stated that there is selection process in D.P.C. This statement is suggestive of the fact that merit plays an important role in promotion otherwise there can be no sense in the selection process. The word selection is very significant which denotes that it has to be done the basis of the merit-cum-seniority. However, it was urged that the vacancies should be filled up as per suitability. The learned counsel for the workmen submitted that merit may be one of the consideration but the seniority could not be ignored and the most of the concerned workmen have completed more than 10 years of continuous service and they all possess qualification for promotion. My attention was drawn towards Ext. W-6 which prescribes 5 years experience as storekeeper clerical grade-I for promotion to the post of Senior Storekeeper. I have considered this aspect of the matter and on behalf of the concerned workmen it was simply contended that all the vacancies should be filled up by suitable candidate which are lying vacant since long.

13. Admittedly, a D.P.C. meeting was held on 12-3-1986 WW-1 has stated that the concerned workmen had appeared for interview but the promotion could not be finalised till this day. On the other hand the management has to say that the concerned workmen did not appear in the D.P.C. on 12-3-1986 and they kept on demanding that they be promoted only because they have completed 3 years of service. It has been suggested that the management could not finalise the matter because the union adopted a rigid stand. However, the suggestion thrown to WW-1 has been denied. I think the stand taken by the management does not deserve any appreciation.

14. From these facts it is crystal clear that the matter of promotion is pending from before 1986. According to the NCWA-IV one gets higher scale of pay after 10 years of service on the same post. The correctness of Ext. M-7 has not been denied. Ext. M-7 provides that daily rated and monthly rated employees who have remained in the same category for a period of 10 years or more would be up-graded to the next higher grade. Admittedly, the eligible concerned workmen as per Ext. M-7 have already been provided with the grade benefit and they are getting higher grade scale but they are not getting any other promotional benefits. It was rightly canvassed at the bar that giving higher grade of scale on the same post cannot meet the requirement and benefits of promotion and that the very scheme of promotion will frustrate. In this connection my attention was drawn towards Ext. W-1 to W-5. Ext. W-1 is the minute of the review meeting held on 28-12-1986 which will show that the matter concerning the promotion of senior storekeeper would not be implemented. This is under item No. IV of the minutes. From this document it appears that the promotion to the post of Senior Storekeeper could not be finalised by the management. Ext. W-2 appears to have been written with reference to Ext. W-1 but item No. IVB of Ext. W-1 has been noted in ink while other items are typed. Ext. W-4 and W-5 will reveal the sanction strength of the vacancies of different stores personnel including senior storekeeper. Ext. W-6 is a tentative joint seniority list of storekeeper working in different kathaa area in which the names of the concerned workmen appear under Sl. No. 1 to 11.

15. MW-1 Suresh Prasad has been examined and has proved a number of documents which have been marked Ext. M-1 to M-8. Ext. M-1 and M-2 are the office orders denoting the particular date when the D.P.C. meeting will be held to fill up the post of Senior Storekeeper. Ext. M-3 is the constitution of D.P.C. Ext. M-6 is the letter dated 7-3-1986 addressed to the Project Officer, Kathara colliery and others by Administrative Officer Kathara enclosing the list of eligible storekeepers for promotion to the post of senior storekeeper. It denoted that the names of all the concerned workmen appear in the list. By the letter the Project Officer was requested to direct the candidates to appear in the D.P.C. This means that no personal interview letter was issued to the candidates. There is nothing to show that the concerned workmen were accordingly directed for interview by the Project Officer. The concerned workmen claims to have appeared in the interview but the management denied. The question is if the concerned workmen did not appear the interview as stated by the management, I think the fault lies with the management alone. The concerned workmen should have been issued the interview letter individually. There is nothing to show that the management issued any interview letter when they did not appear for the first time. In this way the management seems to be

more responsible for non finalisation of D.P.C. of 1986.

16. I have examined the evidence both oral and documentary. According to the management there were only three vacancies when D.P.C. was held in 1986. According to the WW-14 persons retired and he has specifically named those persons in his evidence. They were stated to have retired in the year 1988, 1987, 1986 and 1985. In this way according to the witness there were about 6 to 7 vacancies of senior storekeeper by the end of the year 1988 which has not been filled up as yet. Admittedly the result of the D.P.C. held in 1986 could not be published. By now it is expected more vacancies of the senior Storekeeper from amongst the eligible storekeeper of the matter the demand of the concerned workmen is justified to the extent that the D.P.C. of 1986 be given a final shape and all the vacancies of Senior Storekeeper from amongst the eligible storekeeper as per Ext. M-6 with retrospective effect. The management in thus directed to finalise the D.P.C. of 1986 and to fill up all the upto date vacancies of senior storekeepers within one month from the date of the publication of the Award.

B. RAM, Presiding Officer.